

**REPORT**  
**OF THE**  
**COMMITTEE ON CHILD LABOUR**



**MINISTRY OF LABOUR**  
**GOVERNMENT OF INDIA**  
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## CHAPTER I

### INTRODUCTION

#### **Background**

1.1. The United Nations General Assembly adopted on the 21st December, 1976, the Resolution 31/169 proclaiming the year 1979 as the International Year of the Child. The general objective in doing so was to create world-wide consciousness towards promoting the well being of children, drawing attention to their special needs and encouraging national action on behalf of children, particularly for the least privileged and those who were at work.

1.2. Children are universally recognised as the most important asset of any nation. The future of a society depends directly on how the successive generations are reared, and brought up to fulfil the many requirements which the society is faced with from time to time. Like any other living organisation, a child is basically a product of the environment around him. In societies where the rigours of sheer survival are beset with numerous difficulties, children also are bound to suffer in their development and growth. They develop early propensities towards fending for themselves. The parental care, too, is considerably tempered in the face of actual realities of the situation. The consequential problems are stupendous, and finding solutions to these is a real challenge to both the society and the State.

1.3. With the many competing demands on their resources, the developing societies, particularly, are often unable to do everything that is necessary to give the children their rightful place in the community. The result is that many children in their tender age are often exploited for work in pitiable conditions. While this could be ascribed to many socio-economic and cultural considerations, yet it cannot be overlooked any more that there is a widespread employment of children, both open and disguised, in environments and professions which are most detrimental to their health and growth and that the State and the society must act to remedy the situation as best as possible. The various facts of this problem have been considered in the past also both at the national and international levels. But even the most recent projections relating to incidence of child labour give a clear impression that not enough has so far been done to remedy the dismal situation. The problem is very much more pronounced in countries where, because of poverty, ignorance and several other considerations, the situation has been hopelessly, drifting for a long time without a material change in the total dimensions of the problem.

1.4. India is one of the countries where the problems of child labour are quite openly manifest. The Government of India had, for sometime, been viewing with concern the wide-spread existence of child labour in the country, both in the organised, and unorganised sectors. Keeping in view the total background of the question and the context of the International Year of the Child, it felt the need for a thorough stock-taking of the situation, and the Ministry of Labour, Government of India, through its Resolution No. S-27025/6/78-FAC, dated the 6/7th February, 1979 set up a sixteen-Member Committee comprising of some members of Parliament, representatives from institutions dealing with problems of children, and representatives of concerned Departments of the Central Government as also of few State Governments, to look into in detail the causes leading to and the problems arising out of the employment of children and also laid down its detailed terms of reference

#### **Terms of Reference**

1.5. The following terms of reference of the Committee were set out in the above Resolution :—

- (i) Examine existing laws, their adequacy and implementation, and suggest corrective action to be taken to improve implementation and to remedy defects.
- (ii) Examine the dimensions of child labour, the occupations in which children are employed, etc., and suggest new areas where laws abolishing/regulating the employment of children can be introduced.

- (iii) Suggest welfare measures, training and other facilities which would be introduced to benefit children in employment.

The Committee was also requested to submit its Report within a period of six months.

1.6. Though the Resolution relating to the constitution of the Committee had been issued in February, 1979, but due to want of certain administrative requirements the Committee could actually begin its work only from April, 1979.

1.7. The Committee had been given the right to decide its own procedure. It could call for such information and take such evidence as it considered necessary. The Ministries/Departments of the Government of India were enjoined to furnish such information, material and documents and render all such assistance as might be required by the Committee. The State Governments/Union territory administrations; public undertakings and corporate bodies, organisation of employers and workers; and all other concerned organizations, associations and institutions, had also been requested to extend their fullest cooperation to the Committee.

1.8. The first meeting of the Committee was inaugurated by the then Union Labour Minister on the 7th April, 1979. In his inaugural speech, after delineating the various facets of the problems of child labour in the country and the efforts which had been made in the past to tackle the problem, he underlined the feeling that the surveys which had been hitherto available had failed to highlight the entirety of the problem and its complexity particularly in large areas which were not covered in the organised sector of the economy. He exhorted the Committee to devote its attention to a survey of these areas also assess the relevance or adequacy of the existing laws relating to working children. He also expressed the hope that the Committee will be able to suggest ways of strengthening efficacy of the implementation of laws and the extent to which the existing legislation could be made more comprehensive and more meaningful. He further expected the Committee to identify specific fields where new legislation was called for to ensure the fulfilment of the objective of abolishing child labour altogether as soon as possible, as also of humanising such employment till the total objective has been achieved. The ethos of work and the opportunities for the acquisition of technical skills, he emphasised, were essential if our children were to grow into able, competent workers with a high degree of employability that is commensurate with the demands that are made on the working population in a developing and industrial society.

1.9. Taking into consideration the views of the Union Labour Minister, the Committee in its very first meeting felt that in order to have a more logical framework for its deliberations, it was necessary to rearrange slightly the terms of reference originally stipulated in the Resolution of the Ministry of Labour. The revised terms of reference formulated by the Committee were as follows :—

- (i) Examine the dimensions of child labour, the occupations in which children are employed etc.
- (ii) Examine existing laws, their adequacy and implementation, and suggest selective action to be taken to improve the implementation and to remedy defects, and suggest new areas where laws abolishing/regulating the employment of children can be introduced.
- (iii) Suggest welfare measures for training and other facilities which would be introduced to benefit children in employment.

1.10. The above rearrangement of the terms of reference did not involve any substantive change in the content of the work, as was visualised in the original terms of reference of the Committee. As would be seen, it only brought out the study of the problem, first, in its broad dimensions; thereafter in relation to the adequacy and otherwise of the existing legal framework; and lastly about the formulation of the requisite welfare and institutional arrangements for training and other facilities for the benefit of children in employment.

#### Questionnaire

1.11. At the very outset, the Committee felt that it would be essential to formulate a questionnaire and address the same as widely as possible since this was one of the best modes of eliciting public opinion on the various issues connected with child labour. The Questionnaire were accordingly

drawn up keeping in view the terms of reference of the Committee. The questions formulated were general in character and were so framed as to permit the respondent full freedom in the expression of his views.

1.12. Part I of the questionnaire invited response to certain background information relating to the respondents. In Part II the questions related to the nature and extent of problem as understood by the respondents. It invited their views on what precisely constituted 'child labour' and the factors/circumstances that impel or compel children to work, both in rural and urban areas. They were also requested to delineate the specific areas in agriculture, industries, trades and occupations in which child labour was generally employed. They were further required to indicate the reasons which made the employer prefer child workers to adults. They were also asked to specify if particular castes, tribes or communities contributed the majority of working children. The implications of the migratory labour families working in different sectors were solicited. The respondents were also to indicate whether they were in favour of total abolition of child labour or otherwise, along with reasons for their views. They were also required to indicate whether legislation alone could be a solution to the problem. In this context, they were to indicate the role of the various organisations, associations of employers, unions of workers, local bodies, bar associations, etc., and their views were sought in detail in respect of self/family and wage employment, both in rural and urban areas, and whether they would wish to make any distinction between male and female child workers. In the event of gradual abolition of child labour, the respondents were asked to give their views on the scope and coverage of such abolition in relation to rural and urban areas and also keeping in view age, sex and the major sectors of occupation such as agriculture, industries and trades. They were also requested to express their views on the question whether if child labour is abolished what would be its effect on national economy, the existing employment situation, society as a whole, adult employment and family employment.

1.13. Part III of the Questionnaire focussed various issues relating to the adequacy or otherwise of the existing legal framework. The respondents were to elucidate whether the provisions in the Constitution of India were adequate enough to deal with child labour and welfare of working children. They were specifically requested to indicate whether article 24 of the Constitution, which provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment, required any modifications. It was also pointed out that in the present legislation relating to factories, mines, plantations, etc. a child was defined as a person who was below 15 years of age, and whether any modification was necessary in this age limit. The reactions of the respondents were also sought on the question whether the existing laws, both at the Centre and at the States were giving adequate protection to working children, and if not what sort of changes were necessary which would help in the eventual elimination of child labour. Since most of the working children were reported to be in the rural areas, the views of the respondents were also invited on the question whether any protective law was necessary in this regard. The question of male and female workers was also posed specifically with a view to suggest whether any different age limits and occupations or work, would have to be identified in their regard. The respondents were further asked to give their reactions on the various enforcement aspects and the role of the inspection machinery. They were further requested to indicate whether any other institutional arrangements were necessary for enlisting greater and wider coordination in the implementation of laws. Another question sought views on whether a separate standing machinery involving government and the public should be constituted at Central and State levels to tender advice on all aspects of child labour. In the same spirit, another question related to whether there should be a national code for children, and if so, what should be the content of the code. The respondents were also requested to spell out the occupations where children were presently employed and which in their opinion, were hazardous in nature and required regulation by law. The views on the efficacy of the penal provisions of the existing laws were also sought.

1.14. In Part IV of the Questionnaire, the views of the respondents were sought on the various supportive measures which were necessary for tackling the problem of working children. Specific questions were listed in respect of the present education policy and the steps which were necessary to lure more children into the educational framework. The role of vocational training and the extent to which the employers could be either persuaded or compelled to take enlightened measures

to develop the knowledge and skill of child workers to shape them as good adult workers were also raised. The respondents were also required to express their views on the role which the mass media ought to play for educating public opinion on various aspects of child labour.

1.15. In the last part of the Questionnaire, the views of the respondents were sought generally on any other aspect which, in their view, was important relating to the problem of child labour.

1.16. The above Questionnaire, were sent to Members of Parliament and State Legislatures, representatives of trade unions, and all employer's organizations, prominent social workers, university teachers etc. A few of the copies were sent also to the State Governments, and to various Ministries of the Central Government with a view to eliciting, their views on the questions and requesting them to send copies of the questionnaire, as widely as possible, to the different sections of the society with which they were concerned. Some of the State Governments were kind enough to send the Questionnaire also to the rural Panchayats and to educational experts. The Ministries of the Central Government had distributed the Questionnaire to various autonomous, semi-autonomous and public sector organisations working under their control.

1.17. The Committee had requested for a reply to the Questionnaire by 20th July, 1979. Some replies were received within that date, but a number of replies followed subsequently also. A synopsis of the replies received is appended to the report. The Committee considered the response received from different quarters in respect of the Questionnaire while formulating its own thinking on the various issues involved.

#### **Task Force**

1.18. The Committee had also felt that keeping in view the limitation of time and other administrative factors, it was extremely vital to have for its working a very close liaison with the various State Governments. It, therefore, addressed the various State Governments to constitute a task force which could act as an adjunct of the main Committee and assist it in the collection and appraisal of the data relating to the prevalence of the child labour in the State. Each task force was to comprise of the representatives of departments of Labour, Industry, Education, Public Health and Social Welfare, and could co-opt such other individuals or representatives of institutions which were closely related to the subject. It had been suggested to the State Governments that the Committee would be interested in a diagnostic study being taken of a few selected blocks in different regions of the State so that some graphic data is available in respect of the situation prevalent in the rural areas. In addition, the task force was also requested to identify the main trades, industries, and occupations in which children were employed in the organised and unorganised sectors, and to specifically isolate areas where legislative action is called for. Several State Governments responded favourably to this request of the Committee. The data thus received from the State Governments were duly taken note of by the Committee while formulating its conclusions and recommendations.

#### **Studies and Surveys**

1.19. The subject of child labour and the problems connected with it had featured in many studies undertaken in the past both at International and National levels. The International Labour Organisation had brought out a number of papers and publications in the background of the International Year of the Child. Some of these papers brought out in a very broad spectrum the contribution and ramification of child labour in different regions of the world, and a few of the studies also specifically highlighted the position relating to some of the developing countries. The International Labour Organisation had also published reviews on the follow up at a global level of the various conventions and recommendations adopted by it in the past different facets relating to working children. The Committee took note of all such publications. The Committee, particularly, took note of the report of the working group constituted in 1976 by the Department of Social Welfare, Government of India, as also the recent studies made by the Indian Council for Child Welfare on Working Children in Delhi and the study taken by the National Institute for Public Co-operation and Child Development in respect of child labour in Bombay. There were also some older studies pertaining to the question which were also duly scanned through by the Committee. A list of all such studies has been appended separately.

1.20. After duly considering all the available material, the Committee felt that the coverage of the studies so far made was of a limited character. Those studies had failed to bring out in abundant detail the position in respect of the rural areas in which bulk of child labour was working. Though it felt that it would be difficult to take up an extensive survey on a nationwide basis to concretise both the quantitative and the qualitative aspects of the problem, yet the Committee felt that more in-depth studies would be necessary in different representative areas of the country so as to enable a fuller appreciation of the range and extent of the problem. The Committee, therefore, identified for in-depth study certain States and certain specific sectors of activity in which children are employed in large numbers. Unfortunately, on account of various limitations including those relating to time and finances, it had not been possible for it to commission all the studies that were originally envisaged. It was however, able to finalise the carrying out of a few studies in Maharashtra and Uttar Pradesh. In addition, the Committee was able to take the assistance of the Registrar of Census for undertaking on the basis of 1971 Census a detailed analysis in respect of one per cent sample relating to trades and occupations and to work out the break-up of the extent to which children were working in these sectors. In addition, the National Sample Survey Organisation was also persuaded to identify the position in respect of working children on the basis of the data available in the 32nd round of the National Sample Survey.

1.21. The additional material collected on behalf of the Committee had proved extremely useful in the identification of the conclusions and recommendations. The Committee feels that the studies and analysis of this nature would be extremely useful for the understanding of the real situation relating to working children and for the formulation of the requisite remedial measures, both legislative and otherwise, necessary for the alleviation of the existing situation. The Ministry of Labour has, in the wake of the International Year of the Child, constituted a separate Children's Cell within its Secretariat. The Committee would strongly recommend the Ministry to give this Cell the requisite resources to continue to make the various studies in-depth, particularly of sectors where children are employed in large numbers. In doing so the Cell will consult the Department of Social Welfare and other concerned Ministries.

#### **Working Groups and Spot Inspections**

1.22. For the examination of the various issues relating to the terms of reference of the Committee, it was decided to constitute three Working Groups from amongst its members. These Groups were entrusted respectively to study (i) the extent and dimensions of the problem; (ii) the adequacy of the existing legal frame-work; and (iii) to identify the various institutional arrangements necessary to help the working children as also to obviate employment of children in a longer perspective.

1.23. The members of the Working Groups were given the option to travel different parts of the country and to gather the relevant information which they consider necessary.

1.24. In addition, the Chairman of the Committee, in consultation with the Secretariat and the concerned State Government, fixed up tours of some of the States. The areas thus visited were the States of Maharashtra, Andhra Pradesh, West Bengal, Assam, Arunachal Pradesh, Tamil Nadu and Kerala and the Union Territory of Pondicherry. The programme of each tour was circulated in advance to all the members inviting them to join him in any of the tours according to their convenience. During these visits, the State Governments were advised in advance to fix up meetings<sup>s</sup> with representatives of trade unions and of employers' organizations as also with the various concerned officials and members of the task force. They were also requested to arrange programme to visit various establishments in which children were employed. While visiting these establishments a lot of data was collected in respect of vocations and the actual conditions in which children were employed. In several places, the Chairman got the opportunity of discussing various issues also with the Chief Ministers and the Ministers Incharge of Labour and Social Welfare. All these discussions/observations constituted a very important event for the consideration of the conclusions and recommendations of the Committee. The Committee had planned to visit some other States also, but owing to the preoccupation of some States with the problem of drought, and their involvement in the preparation for Parliamentary elections, it had not been possible for it to actually visit these States. The Committee had felt that its visit to the States served the dual purpose of first, enabling it to collect a lot of relevant information, and second, of providing an impetus to all those



concerned, in giving greater attention to the problem of child labour. The Committee would strongly urge the Government not only to pursue some of the tasks given by it to the State Governments, but also to maintain a sustained dialogue with them about their efforts towards the achievement of the overall objectives.

1.25. On account of certain unforeseen circumstances, the results of some of the studies sponsored by the Committee are not in hand at present. The Committee presumes that the Ministry of Labour will give appropriate consideration to the reports of these studies which are likely to be received in due course.

1.26. The Committee was all through conscious of the stupendousness of the task entrusted to it and the many 'grey areas' about which the information available was scanty. It has attempted to get a feel of these areas and to present its report keeping in view various factors including limitation of time and resources, and the relevance of its work particularly in the context of the International Year of the Child.

#### Acknowledgements

1.27. The Committee would wish to place on record its gratitude to many institutions and persons for their valuable assistance in the completion of its task. It was extended full cooperation by several Ministries of the Central Government, and by the State Governments. It is grateful to the Labour Bureau, National Labour Institute, Registrar of Census, National Sample Survey Organisation and Planning Commission for their assistance particularly in updating of crucial data. It is also thankful to the representatives of trade unions, employers' organisations and many voluntary agencies for their lively interest and participation in the work of the Committee. It is also grateful to the number of persons who responded to the Questionnaire.

1.28. The Committee is grateful to Shri K. S. Raghupathi, Secretary, Ministry of Labour, who not only provided valuable guidance from time to time but also responded generously to its numerous needs. The Committee is also grateful to the Conveners of three sub-groups, viz., Smt. Margaret Alva, Shri S. W. Dhabe and Shri M. M. Rajendran, and the members of the Sub-group for their in-depth study of the various subjects allotted to them.

1.29. The Committee would also wish to place on record its appreciation of the contribution made by Shri V. P. Sawhney, Member-Secretary in the completion of its task. His competence and perseverance contributed a great deal to the successful working of the Committee. The Committee would also wish to acknowledge the rich contribution made by Shri Musafir Singh, Shri V. S. Bhashyam and Kumari Mandakini Khandekar in the final drafting of the reports. The Committee would also like to record its sincere appreciation of the Secretariat who had fully met the various expectations and requirements of the Committee from time to time.

1.30. Shri M. S. Gurupadaswamy, Chairman of the Committee, resigned on 28th November, 1979. Prior to that, he had approved of the draft of this Report and the recommendations formulated by the Committee. The members of the Committee regret the inability of Shri Gurupadaswamy to be present at the time of the submission of this Report to the Government. They, however, recognise the foresight and dedication with which Shri Gurupadaswamy guided the deliberations of the Committee and place on record their appreciation and gratitude to him for the completion of the task assigned to the Committee.

## CHAPTER II

### CHILD LABOUR IN INDIA

#### Nature of the Problem

2.1. A consensually validated definition of child labour is presently not available either in the national or international context. Any such definition is predicated upon the precise meaning we attach to the two components of the term 'Child Labour' i.e. 'Child' in terms of his chronological age and 'Labour' in terms of its nature, magnitude and income generation capacity. Child labour, however, can broadly be defined as that segment of the 'child population' which participates in work either paid or unpaid.

2.2. Child labour is not a new phenomenon to our age. It has existed in one form or another in all historical times. What is, however, new is its perception as a social problem. There has been a distinct change in the recent past in the value orientation and attitudinal ethos of the legitimising groups of society *vis-a-vis* child labour because of various developments. In the pre-industrial agricultural society of India, children worked as helpers and learners in hereditarily determined family occupations under the benign supervision of adult family members. The work place was an extension of the home and work was characterised by personal and informal relationships. The tasks and technology that work involved were simple and non-hazardous which the child could learn smoothly, almost unconsciously, over the years through limitation and associations. Familism was the dominant sentiment and 'each for all and all for each' was the general norm that governed the family functioning. The Child's interests and welfare were well protected in the family and the family guaranteed maximum security in all eventualities.

2.3. The social scenario, however, changed radically with the advent of industrialisation and urbanisation. Under the impact of the newly generated forces, there was an unbroken stream of the rural poor migrating to urban centres in search of livelihood. The new habitat vouchsafed them survival but reduced their life to a heap of miseries. The family members no longer worked as a team and in caste-sanctioned occupations. The child had to work as an individual person either under an employer or independently without enjoying the benevolent protection of his guardian. His work place was divorced and totally dissimilar from his home. His job exposed him to various kinds of health hazards emanating from the extensive use of chemicals and poisonous substances in industries and the pollutants discharged by them. His work was repetitive, monotonous and unpromising. His hours of work stretched long but his earnings were meagre. His employer, in most of the instances, mal-treated him and exploited him unscrupulously. His work environment thus endangered his physical health and mental growth. The protection and welfare of these children, therefore, becomes an issue of paramount significance which society could have glossed over at a great peril.

2.4. Another sociological factor accentuating the visibility of the problematic aspect of child labour was the emergence of welfare consciousness on a global scale. The industrial revolution in the West generated such vast demands for manpower to handle a wide variety of jobs that even children had to be pressed into service. Contemporary writing reveal under what atrocious conditions these children had to work in coal mines and textile mills. However, once the West built its affluence and baneful effects of child labour became outrageously manifest, the state took appropriate measures to undo the evil. The welfare measures enunciated had a universal appeal to human conscience and they were thoughtfully embodied in various resolutions of the I.L.O. and other organs of the United Nations. Countries of the third world, after their emancipation from colonial domination, also embraced a number of these measures, even though their social and economic infrastructure was too underdeveloped to meet fully their commitments. The free India declared itself a welfare State and provided in its Constitution several safeguards to protect and promote the interests of the child. These constitutional provisions established the normative superiority of welfare considerations over the economic and revealed in bold relief the antagonism between child labour and child development.

2.5. Yet another factor highlighting the evil aspect of child labour was the recent advancements in various sciences having a bearing on the child. In olden days, it is true child was viewed with a tender feeling and reared with love and compassion. But the fund of knowledge about his developmental needs and the consequences of their deprivation was rather meagre. Today, scientific knowledge has revolutionised our outlook on child care and his developmental imperatives. The diffusion of this knowledge has created a new awareness in the major institutions of society as to the relationship the child should have with his milieu, his need objects and his work etc. Against the backdrop of modern scientific knowledge about the child, child labour appeared to play a totally dysfunctional role in society.

2.6. Child labour, of late, has evoked deep concern among all who link the future of the country with the present of the child. Child labour is viewed no less a scourge effecting the destiny of the child than his mal-nutrition or morbidity. However, we must make a distinction between child labour and exploitation of child labour. Both are a problem though of different orders. Child labour as distinguished from work experience has mostly negative attributes. It can now be asserted on scientific grounds that work as a direct fulfilment of child's natural abilities and creative potentialities is always conducive to his healthy growth. But work when taken up as a means for the fulfilment of some other needs, becomes enslaving in character and deleterious in its impact. Labour is work of the latter type irrespective of the degree of strain or exploitation involved in it. Work by its very nature is enriching. The basic attributes of work are purpose, plan and freedom. When they are conspicuously absent, work becomes labour. Labour in the case of the child, especially is harmful because the energy that should have been expended on the nurturing of his latent powers is consumed for purposes of bare survival. Child labour assumes the character of a social problem in as much as it hinders, arrests or distorts the natural growth processes and prevents the child from attaining his full-blown manhood. "When the business of wage earning or of participation in self or family support conflicts directly or indirectly with the business of growth and education, the result is child labour. The function of work in childhood is primarily developmental and not economic. Children's work then as a social good, is the direct, antithesis of child labour as a social evil".<sup>1</sup>

2.7. Labour becomes an absolute evil in the case of the child when he is required to work beyond his physical capacity, when hours of employment interfere with his education, recreation and rest, when his wages are not commensurate with the quantum of work done, and when the occupation he is engaged in endangers his health and safety i.e. when he is exploited. As the problem of child labour cannot be understood apart from the standpoint of human values, its extent as a social evil can be determined only by methods of qualitative analysis—the jobs they are engaged in, the dangers they are exposed to, the desirable opportunities they are deprived of by reason of their being gainfully employed. The Committee would like to underline this basic aspect as all future action really depends on how intensively the existing occupations in which children are employed are studied, and the remedial action determined thereafter.

2.8. Child labour is as much the cause as consequence of adult unemployment and under-employment. It at once supplements and depresses the family income. Child labour is not only a subsidy to industry but a direct inducement to the payment of low wages to adult workers. The entrance of children into the labour market reduces the volume of employment for the adult and lowers the bargaining power of adult workers. Some experts argue that if all the children were eliminated from the labour force in India, employment opportunities for at least 15 million adult unemployed workers would be increased. Rigours of childhood employment result in a permanently weakened and damaged labour force. Child labour involves the use of labour at its point of lowest productivity, hence it is an inefficient utilisation of labour power. Child labour represents premature expenditure rather than saving.

2.9. Children, by and large, have to do action jobs which are not mentally stimulating and career promoting. After their initial interest wears off, they soon discover that the job is leading them nowhere and they have landed into a *cul de sac*. These dead-end kids seeking a precarious living, therefore, tend to shift about frequently from one job to another with consequent idleness

<sup>1</sup>Encyclopaedia of Social Sciences, Vol. 3, pp. 412--24.

interspersed between jobs. Child labour swells the number and cost of accidents to which children are far more liable than adults. "Long hours of work, late hours of night employment, continuons standing, sitting or use of single set of muscles, emphasis on the finer neuro-muscular coordinations with attendant nervous strain, indoor confinement in noisy factories and dusty trades, carrying heavy loads under the arm or lifting heavy weights, pressure of speed in the performance of simple mechanical acts, contact with industrial poisons, exposure to inclement weather are unsuitable occupations and provide harmful conditions for the growing child percularly susceptible to certain deformities and diseases."<sup>2</sup> Child labour not only disfavours general physical vigour and energy, it may aggravate defects and ailments. Different types of labour may produce different kinds of distortions and proportions in the body habitude of the Child.

2.10. Leaving school and going to work is a major step in a child's life. It involves breaking away from childhood dependencies and is accompanied by diverse external and internal compulsions. The transition aggravates the usual emotional stress and instability of the period which are induced by environmental forces as well as by physical and organic changes. The new occupations may involve difficulties of adjustment in a new and complex set of relationships. The child is subjected to the rigidities and restraints of his job for 8—10 hours a day requiring his unremitting attention. Fatigue, more so cumulative fatigue, which lowers the psycho-physical tone and heightens suggestibility is an important factor in the development of neurotic tendencies among working children. Employment considerably decreases opportunities for vigorous, outdoor play, recognised as far more prophylactic in mental hygiene than the indoor commercial amusements usually sought by the working child. Repression of normal impulses, desires and powers of children at work, especially in street occupations, tends them towards, delinquency in their hours of freedom, seeking to have a good time or to exalt their submerged and humiliated selves. The argument that employment of children increases the earnings of the family and keeps children away from mischief is misleading. It glosses over the fact that child labour deprives children of educational opportunities, minimises their chances for vocational training, stunts their physical growth, hampers their intellectual development and by forcing them into the army of unskilled labourers or blind alley jobs, condemns them to low wages all their lives. To conclude, child labour is economically unsound, psychologically disastrous and physically as well as morally dangerous and harmful.

#### *Causes of Child labour*

2.11. If child labour is so positively harmful, why should millions of children join the labour force? The reasons may be obvious and obscure, historical as well as contextual.

2.12. In India, tradition of educational learning outside home was confined to the upper caste strata of society, the privileged classes. Children of the producing classes learnt the necessary skills and workways in the family. Formal education had little relevance to them. This tradition continues even today among some segments of the have-nots because of their fossilised aspirations. They do not perceive education *per se* and the present curriculum as an image builder or status fomentor. Their children are inducted and indoctrinated in the culture of work from the very beginning. Step by step these children get steeped in the ethos of labour having finally lost all opportunities for a pull-back.

2.13. Stronger than tradition is the factor of chronic poverty responsible for the prevalence and perpetuation of child labour. Nearly half of India's population subsists below poverty line. In the countryside, the distribution of land is most iniquitous. The lower 50 per cent households own only 4 per cent of the land. As many as 27.2 per cent of the rural households are agricultural tenants and 30.4 per cent agricultural labourers. Nearly one-third of the metropolitan population lives in slums and improvised tenements. In Madras, 90.8 per cent of the families of working children have an income below Rs. 500 per month.<sup>3</sup> In Bombay, 78 per cent and in Delhi, 88 per cent of such families have a monthly income of Rs. 500 and below. In these families, the child since his very appearance in this world, is endowed with an economic mission. The child is compelled to shed sweat of brow to keep the wolf away from the door. In some families, when disease or

<sup>2</sup>Encyclopaedia of Social Sciences, *ibid.*

<sup>3</sup>George K. N., Child labour in the City of Madras, Paper presented at the National Seminar on Employment of Children in India, 1975.

other forms of disability upset the delicate balance of the family budget, there may not be any alternative but to send the child to work. These families cannot sacrifice the smaller gains of the present for the larger gains of the future, as they do not have any surplus to sustain them. The income accruing from child labour may be a pittance but it plays a crucial role in saving the family from a shipwreck. Economic compulsions weighed heavily on the consciousness of poor parents that they would not mind colluding with the child's employer in violating the law and putting the child under risks of inhuman exploitations. Poverty and child labour thus always beget each other and tend to reinforce themselves in families and communities. In agriculture, activities such as tending of cattle are tedious and time consuming. Their performance by children releases the adult members of the family for more productive work. The rocketing prices of essential commodities have exacerbated the struggle for survival to ultimate limits and all manpower resources available in the family including child labour have to be mobilised to cope with the situation. The urban environment composed of the myriad varieties of goods and services is too enticing for the poor child. It creates a deep sense of deprivation in him which prods him to earn so that enjoyment of some of the 'dream objects' may come within his access. Because of their poverty, parents not only cannot make any investment in their child's development, they are also reluctant even to support them. They want their children to fend for themselves as early as possible, much better, if they become a source of income to the family. Additionally, they perceive several advantages in child's taking up a job : the job disciplines the child, it terminates his dependency, it protects him against the infection of delinquent culture, it provides some moments of privacy to parents and so on. Children too, in many cases, have the fear of being discarded by their parents, if they do not earn and prove that they are useful to the family. In cases of parental incapacitation, children become the sole bread winners.

2.14. For a number of tasks, employers prefer children to adults. Children have less developed ego and status consciousness. They are also less afflicted by feelings of guilt and shame. Children can be put on non-status, even demeaning jobs without much difficulty. Children are more active, agile and quick and feel less tired in certain tasks. They can climb up and down staircases of multi-storeyed buildings several times during the day carrying tea and snacks for employees of offices located in these buildings. They are also better candidates for tasks of helper in a grocer's shop or an auto-garage. Employers find children more amenable to discipline and control. They can be coaxed, admonished, pulled up and punished for defaults without jeopardising relations. Child labour is also cheaper to buy. They may do the same amount of work as an adult but they cost less in terms of wages and maintenance. Child workers are a greater source of profit, for they generate a larger surplus value for the employer. The adaptive abilities of children are much superior to those of adults. Being of an impressionable age, they can be socialised by the employer according to his taste or demands of the situation. All this explains why children are liked more for jobs such as those of domestic servants and restaurant workers.

2.15. Child workers are not organised on lines of trade unions which can militantly fight for their cause. As such, children have to submit silently to the excesses visited on them by their masters. A child worker at best is a lonely worker [who can afford no showdown with his employer. Not only employers view child workers as innocuous but also innocent. Children in distress have a greater appeal to their human essence than the adult. Providing succour to a destitute or forsaken child is considered a moral act of highest merit. Even the picture of a starving, emaciated child causes tremors in the human soul. Child, therefore, has a distinct advantage over the adult, as far as employer's appreciation of his plight is concerned. The National Commission on Labour (1969) found that it was the feeling of sympathy rather than the desire to exploit which weighed with some children's employers. Instead of condemnation they expected commendation from society for their benevolent act of saving the child from starvation and waywardness. Then there are crafts (zari/brocade work for example) in which highest degree of sophistication and excellence cannot be achieved unless learning is initiated in childhood itself. No fineness can be acquired if fingers have lost their suppleness and become stiff at the time of initiation. Child labour is thus justified on the ground that it trains the child's fingers in the required skill. Unless the fingers were trained at a very early age, their adaption later would be difficult. A similar logic is advanced for children engaged in acrobatics and circuses.

2.16: The Committee recognises that a multiple policy approach is necessary in dealing with the problems of working children. They have to be seen distinctly in the categories of wage-earning employment as 'unpaid family workers', as apprentices in traditional crafts and as working and schooling. Each category has its own specific problems and needs which the state and the society will need to fulfil.

2.17. Child labour and non-schooling of children have a significant linkage among the poorer sections of population. Though enrolment of children in the age-group 6—10 years has increased from 42.6 per cent to 82.7 per cent and in the age-group 11—14 from 12.7 per cent to 36 per cent during the last 24 years, complete enrolment of children in the age-group 6—14 does not appear to be possible at present. By the end of the Fifth Plan, it is estimated, not more than 50 per cent of children in the 11—14 age-group would have been provided full-time compulsory education. Another 10 per cent would be able to get part-time schooling facilities. Further, the enrolment of girls would be not more than 79 per cent in the 6—10 age-group and 32 per cent in the 11—14 age-group. The Third All India Education Survey pointed out that the gross enrolment position in 1965 for the age-group 6—10 years for classes I to V was 14.36 and it rose to 79.16 in 1973 but in the case of age-group 11—13 for classes VI to VIII, the enrolment was 30.15 in 1965 and 34.72 in 1973. Thus according to the enrolment ratio 2/3rds of the children in the age-group 11—13 and roughly 1/5th in the age-group 6—10 are still out of school.

2.18. In many far-flung areas of the countryside, schooling facilities are scarce and inaccessible. Of the 547,672 villages in the country, as many as 48,566 do not have schools and 167,382 rural schools are functioning with just one teacher a piece. In most places, the school presents a drab and dismal picture and holds little attraction for the child. Many children are forced to stay at home because their parents cannot afford the prescribed minima of uniform, books and stationery, etc. Schooling of children is eschewed by them also because it not only touches their pockets but deprives them of the income that accrues from child labour. Stagnation and wastage, comparatively low in lower classes but high in higher grades, lead poor children to drop out of the school system. A child is willingly sent to school between the ages 6 and 9 because at this stage, he is more a nuisance than an asset at home. But as he crosses this age limit, the position is reversed. The child now can work at home or earn something outside. This is especially true of girls who have to assist the over-worked mothers at home. School withdrawal and scholastic retardation is more common and pronounced among children leaving school for work at 10—14 than among those who stay. As many as 73 per cent of boys and 80 per cent of girls drop out through primary and middle school education. It is found that the drop-out rate is much higher in slum areas, drought-prone villages and among marginal families.<sup>4</sup> In rural areas, the clash between timings and periodicity of the school system and those of agricultural operations often endanger amongst the poor school-going children tendencies for temporary withdrawal or permanent drop-out specially during times of sowing and harvesting. In areas where green revolution is becoming a stabilised reality, wages of agricultural labourers have substantially gone up. Tempted by prosperous wage earnings, labour families, local as well as migrant, have pressed into service their child population also. This is adversely affecting school enrolment and attendance in those as well as the labour supplying areas. Spectre of unemployment may be another strong deterrent and disincentive to the weaker sections to putting their children in the school. When those having a resource network cannot secure a white-collar job, they argue, how can their poor children? Increasing volume of unemployment among the educated youth, thus undermines the faith of the poor in the efficacy and pay off of education. 12.7 million persons were on the live registers of Employment Exchanges at the end of December, 1978. The number of educated job-seekers was estimated at nearly 3 million.

2.19. Working children (200) in Madras, advanced the following reasons for seeking employment : to supplement family income (72.5 per cent), death of father (23.0 per cent), do not like to depend on others (19.0 per cent), parents asked to search for job (17.0 per cent), for out of pocket expenses (10.0 per cent), no one to look after (7.0 per cent), no other earning member (5.0 per cent), to earn for education (5.0 per cent), to learn to job (4.0 per cent), parents asked to assist in occupation (3.0 per cent), was interested in the job (3.0 per cent), just to escape attending school (0.5 per cent).<sup>5</sup>

<sup>4</sup>Perspectives on Child in India, Central Institute of Research and Training in Public Cooperation, 1975.

<sup>5</sup>Geoge, K. N. Child Labour in Madras *ibid*.

2.20. In another study<sup>6</sup> parents of working children (287) in Bombay, mentioned the following circumstantial reasons for sending their children to work : child labour is our family tradition (41.0 per cent), the child had left school (24.0 per cent), he was having bad company/getting delinquent (6.0 per cent), death/disease/loss of job of the earning member (21.0 per cent), economic compulsions (59.2 per cent), child wanted to earn (4.1 per cent), child was idle and doing nothing (25.8 per cent), child was alone at home and not safe (1.0 per cent).

### Migration to Urban Areas

2.21. With the progressive mechanisation of agriculture, a large number of farm hands are being squeezed out of this sector and forced to migrate to cities thus augmenting the strength of child labour in urban centres. In the context of a consistently fast growing population the small and declining size of agricultural land-holdings is basic to the process of out-migration. Migration has a disturbing influence on educational attainment of children. Among all the migrant children in the cities, the plight of the children of migrant construction workers is perhaps the most miserable as they move from site to site in search of jobs.

2.22. Data regarding child migrant workers is directly available in 1971 census. According to 1961 census, out of about 13.4 million child population in the cities, about 3 million (22.8 per cent) were recorded as migrants. Corresponding to every 100 migrants aged 15 and above enumerated in the cities, there were 22 child migrants. Out of 3 million child migrants, about 98 thousand (3.2 per cent) were workers. Sex-wise work participation rate (WPR) was 4.8 per cent for males and 1.4 per cent for females. The WPR among male children was highest in Jammu and Kashmir (8.7 per cent) and among female children in Kerala (7.5 per cent). In the cities of India, nearly 79 per cent of the child workers were boys. In Orissa and J & K, almost all the workers were boys, Kerala is the only State where migrant female workers out-numbered male workers. Nearly 39 per cent of the child workers in the cities were migrants. While 82 per cent of the child workers were migrants in Assam, in J & K their percentage was only 13. It has been observed that the proportion of migrants among the child workers is directly associated with the child migration rate. In Greater Bombay, out of 400,754 child migrants, 16,643 (4.2 per cent) were working and 78 per cent of these workers were males. Child migrant workers formed nearly 81 per cent of the total child labour in Greater Bombay. In Calcutta city, out of 219,709 child migrants, only 5920 (2.7 per cent) were working and out of these 93 per cent were boys. Migrants formed only 46 per cent of the child labour in Calcutta city. Thus compared to Greater Bombay, child labour as also the proportion of migrant child labour was less in Calcutta city. According to 1971 census, 23 per cent of child population in Greater Bombay was migrant. The number of child migrants increased from 400,754 to 454,910 during 1961—71. However, the rate of child migrants registered a decline from 30.5 per cent in 1961 to 23.4 per cent in 1971 due to the general decline of migration to Greater Bombay during the decade. Among child migrants, 3.6 per cent were estimated as working as per 1971 census<sup>7</sup>.

2.23. Field studies also show that migrant conditions encourage child employment. In Bombay, 80.5 per cent of the working children were found to be migrants.<sup>8</sup> Another study found that out of 287 slum families of working children in Bombay, only 10 per cent considered themselves as native.<sup>9</sup>

### Child Population

2.24. India's population as per 1971 census is 548.2 million. Of this, 230.3 million (42.3 per cent) are children in the age-group of 0—14 years. While India's population has registered an increase of 130.0 per cent since 1901, child population has registered an increase of 155.0 per cent. Of the 230.3 million children, 118.9 million are males and 111.4 million females, 115 million below 6 years and the

<sup>6</sup>Working Children in Bombay—A Study, National Institute of Public Cooperation and Child Development, New Delhi, 1978.

<sup>7</sup>Sabastian, A. Statewise Child Migrants and Child Migrant Labour in the cities of India, paper presented at the Conference of Child in India, New Delhi, March 22—24, 1979.

<sup>8</sup>Khandekar, Mandakini—A report on the situation of Children and Youth in Greater Bombay, Tara Institute of Social Sciences, Bombay, 1970.

<sup>9</sup>George K. N., Child Labour in City of Madras *ibid*.

remaining between 6 and 14 years of age. 187 million children (81 per cent) live in rural areas and the rest in urban areas. It is estimated that about 92 million children or nearly two-fifths of the total Indian child population, live in conditions adverse to survival.

2.25. The size of the population of children between 5 and 14 years, obviously plays a dominant role in the supply of child labour. To gain insight into the child labour participation behaviour, it is essential to distinguish boys from girls both in the rural and urban set-up. Boys constituted 27.7 per cent of all males and girls 27.3 per cent of all females in 1971. In rural India, boys comprised 28.3 per cent of all males and girls 27.3 per cent of females. In urban areas, on the contrary, boys comprised 25.3 per cent of males and girls 27.0 per cent of females. In 1961, of the entire child population, 82 per cent was in rural areas and 18 per cent in urban areas. With the tempo of urbanization, the rural share reduced to 81 per cent while urban share rose to 19 per cent in 1971. The 1971 census reveal that boys in rural areas comprised 42 per cent and in urban areas only 10 per cent, whereas girls 39 per cent in villages and 9 per cent in towns of the entire child population of India. In rural areas, the decennial growth rate over the intercensal period has been observed to be approximately 31 per cent for boys, 32 per cent for girls and 31 per cent of the total child population. In towns and cities, the decennial growth rate for boys comes to 42 per cent, for girls 43 per cent and for all children 43 per cent. The country as a whole displayed 33 per cent growth rate for boys, 43 per cent for girls and a decennial average of 33 per cent for the entire child population.<sup>10</sup>

#### Extent of Child Labour

2.26. The I.L.O. in a recent regional conference of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), placed the count of children in the labour force of the world at 52 million, Asia's share being 38 million, India contributes to about a third of Asia's child labour and a fourth of the world working children.

2.27. As per 1971 census, the working population is about 180 million or about 33 per cent of the total population of India. Of the working population only 10 per cent was in the organised sector and the rest in the traditional sector. Cultivators and agricultural labourers formed the bulk of the traditional workers—43.34 per cent and 26.33 per cent respectively. According to 1971 census there are 10.74 million child workers (less than 15 years) in the country representing 4.66 per cent of the total child population and 5.95 per cent of the total labour force. Of these, about 7.9 million are boys and 2.8 million girls. The 1971 census defines 'workers' in terms of his/her 'main activity' i.e., the economically productive pursuit in which the 'worker' engages himself herself during the most of the time. Thus a person found engaged in any economically productive work which happens to be his/her 'main activity' during any one day of the week preceding the enumeration, qualifies as worker in 1971. As per 1961 census, there were 14.47 million child workers. This shows that child labour registered a decline of 3.73 million or of 25.7 per cent over the intercensal decade. Again, in 1961, for a population base of 113.3 million children aged 5 to 14, the child labour participation rate was 12.8 per cent whereas in 1971, it was only 7.1 per cent for a child population base of 150.8 million. However, it must be pointed out that no conclusive significance can be attached to these differences in view of the fact that the 1961 census adopted a more literal definition of 'worker' in terms of 'activity' as well as reference period.

2.28. The precise estimate of the overall magnitude of child labour in India is admittedly difficult on account of the predominance of the informal and unorganised nature of the labour market, and also due to multiplicity of concepts, methods of measurement and the sources of data. Based on the National Sample Survey 27th Round (1972-73), the number of working children as on March, 1973 in the age group 5 to 14 years may be estimated at 16.3 million.

2.29. The incidence of child labour is the highest in Andhra Pradesh where it accounts for about 9.0 per cent of the total labour force, 9.2 per cent of total child population 3.7 per cent of the total population of the State. In fact, Andhra Pradesh accounts for 15.2 per cent of the total child workers in the country. The state-wise position is appended separately. Child labour is more prevalent in rural areas than in urban areas. 5.31 per cent of children in rural areas are workers, whereas this

<sup>10</sup>Chakravarti, Ashish K.—Child Labour and Transition Economy—The Indian Scene—paper presented at Conference on Child in India, New Delhi, March 22–24, 1979.



ratio in urban areas is only 1.82 per cent. Out of 180 million total workers in the country, 148 million i.e., 82.2 per cent are in rural areas, whereas out of 10.74 million child workers, 10 million i.e., 93 per cent are in rural areas. The proportion of females among child labour is more than their proportion amongst total workers—26.6 per cent as against 17.4 per cent. The participation of children in the labour force in the age-group of 10—14 years is very high—28.9 per cent for males and 20 per cent for females. The 1971 child labour participation rate for boys and girls (5—14 years) separately in rural and urban sectors display that the highest activity rate of 11.40 per cent is confined to boys in rural areas. The corresponding measure in urban area is 4.09 per cent. Activity rates for girls are appreciably lower than those for boys and works out to 4.60 per cent in rural areas and 1.23 per cent in urban areas<sup>11</sup>.

2.30. Census operations also reveal that of the 10.74 million working children, 36.03 per cent are cultivators and 42.70 per cent agricultural labourers forming together 14.6 per cent of total workers engaged in agriculture. As many as 8.24 per cent are engaged in livestock, forestry, fishing, hunting, plantation, orchards, etc., 0.22 per cent in mining and quarrying and 6.08 per cent in manufacturing, processing, servicing and repairs, etc. 0.54 per cent of them are engaged in construction, 1.95 per cent in trade and commerce., 0.39 per cent in transport, storage and communication and 3.77 per cent in other services.

2.31. The problem of child labour, by and large, has lost its poignancy in the organised sector of employment but has assumed alarming proportions in the unorganised, informal or unregulated sector. Child labour has shown a step decline in factories from 0.48 per cent in 1948 to 0.25 per cent in 1961 to 0.10 per cent to 0.07 per cent in 1962 to 0.05 per cent in 1970. This decline is due to certain factors such as the changed management attitudes, the introduction of sophisticated machinery and rationalised production methods, the increased importance of higher productivity, the presence of trade unions, the enactment of minimum age laws and strengthening of inspection services. The National Commission on labour comments in its report. "Our evidence reveals that employment of children is almost non-existent in organised industries. It persists in varying degrees in the unorganised sector such as small plantations, restaurants and hotels, cotton ginning and weaving, stone breaking, brick-kiln, handicrafts and road building"<sup>12</sup>. The labour Bureau' study also showed that the situation regarding child labour had comparatively ease in factory industries but persisted in Small and Cottage industries such as match manufacture, cashewnut processing, bidi making, carpet weaving either uncertified or having false age certificate<sup>13</sup>.

### Working Children and their Occupation

2.32. Children in cities perform a much larger variety of jobs than in villages because of the extensively diversified structure of urban economies. A comprehensive account of child labour in rural areas is found in the final report (1975) of the Rural labour Enquiry, 1963-65. In 1964-65 working children from agricultural labour households on an average worked for 280 days in the year and those from all rural labour households for 267 days. The duration of wage employment of agricultural child labour was 207 days in agricultural operations and 17 days in non-agricultural operations. Children were employed in diverse agricultural activities ploughing (18 days), sowing (4 days), transplanting (10 days), weeding (22 days), harvesting (39 days), others (99 days) and unclassified (15 days). Child agricultural labourers, belonging to agricultural labour households, remained self-employed for 22 days, cultivation being their major pre-occupation (accounting for 9 days). Children employed as non-agricultural labourers were self-employed for 66 days, children engaged as agricultural labourers were unemployed for 92 days, out of which 62 days for want of work. The average daily earnings of a child agricultural labourer in different operations were 71 to 90 paise, 72 paise for all operations. Children's earnings were 50.3 per cent of those of men. Among labourers and small farmers, 21 per cent of the children report for work, while among the prosperous group of cultivators the percentage of child labour is negligible. According to the Second Agricultural Labour Enquiry in 1956-57, there were about 3 million child workers engaged in agriculture, the majority of them belong

<sup>11</sup>Chakraverti, Ashish K.—Child Labour and Transition Economy—the Indian Scene *ibid*.

<sup>12</sup>Report of National Commission on Labour, Government of India, 1969 p. 386.

<sup>13</sup>Child Labour in India, Labour Bureau, Ministry of Labour, Government of India, 1954.

to the age group of 7 to 12 years. On an average, children constituted 5.6 per cent of the total earners and 24.1 per cent of the helpers.

2.33 In plantations, child employment is a part of the employment of the family group. Parents do the main field work and children assist them in plucking of leaves, coffee berries or collecting latex or they do secondary jobs such as weeding, spreading fertilizer, the care of nurseries, digging drains, etc. With their nimble fingers, many children turn out as much as work as adults. Children work 40 hours per week as compared to 54 hours for adults, but wages paid to them are about half of that paid to adults. In 1975 their daily wages ranged from Rs. 1.57 to Rs. 1.76 plus other fringe benefits. Children have to work both in fair weather and foul, in the scorching summer-sun and in the torrential rains of the monsoon. During 1971, out of the total of 0.8 million plantations workers, as many as 51,982 (6.42 per cent) were children. The percentage of child labour was the highest in Himachal Pradesh *i.e.*, 18.7 per cent. Children under 8 are hired to work as baby sitters in Assam's tea gardens for a monthly wage of Rs. 5—8 by these fellow workers who have no children to look after their babies. Majority of the families live in small hutments made of bamboo and thatched roof. The sanitary conditions of these labour lines are far from satisfactory. According to the Committee on Labour Welfare (1969), absence of adequate arrangements for domiciliaries or specialised treatment was reported in almost all the estates. According to the Survey of Labour Conditions of Plantations Workers (1961-62), about 5 per cent of the estates in tea plantations, 14 per cent in rubber plantations and one per cent in coffee plantations provided latrines at work places but urinals had been provided by a negligible percentage of estates. Most of the primary schools in Assam's tea gardens are one-teacher schools and their attendance varies from 14 to 45.

2.34 According to the 1971 census children still constituted 2.6 per cent of the total labour force employed in mining and quarrying industry. This is despite the statutory provisions prohibiting employment of any young person who has not completed 16 years of age.

2.35 As per 1961 census out of the 77 thousand male child migrant workers in the cities of India, 90 per cent were occupied in three occupational divisions namely craftsmen and labourers (43.5 per cent), Services (36.9 per cent), and sales (10.9 per cent). Nearly 60 per cent of them were employed in five occupational divisions namely (i) housekeepers, cooks, maids, etc. (24.8 per cent) (ii) labourers not elsewhere classified (13.7 per cent), (iii) waiters, bartenders etc., (7.3 per cent) (iv) salesman, shop assistants etc. (7.1 per cent); (v) spinners, weavers, knitters, dyers, etc. (6.5 per cent). Out of the 21 thousand migrant working girls, 90 per cent were employed in the two occupational divisions (i) Services (44.9 per cent) (ii) craftsmen and labourers (44.1 per cent). About two-thirds of the working girls were employed in three occupational categories (i) housekeepers, cooks, maids etc., (40.6 per cent) (ii) labourers not elsewhere classified (14.6 per cent) and (iii) spinners, weavers, knitters, dyers etc. (11.3 per cent).<sup>14</sup>

2.36 The study of 300 working children from slum families in Bombay showed the following occupational distribution of these children : (i) production units (20.7 per cent) (ii) trade and commerce (21.3 per cent) (iii) arts and crafts (5.0 per cent) (iv) services and repairs (21.7 per cent) (v) construction work (7.0 per cent) (vi) domestic service (15.0 per cent), (vii) hotel/restaurant (2.7 per cent) (viii) casual labour (2.6 per cent) (ix) scrap collection (4.0 per cent). The number of wage employed children was 2.4 times larger than that of the self-employed. 33.3 per cent of these children had never gone to school and 52.7 per cent had schooling upto primary stage only. Children contributed to the extent of 23 per cent of the total family income, with boys contributing 2.5 times more than girls. A boy earned on an average Rs. 95 p.m. and a girl Rs. 63.0. 24.7 per cent of children entered work life between 6 and 9 years of age, 48.4 per cent between 10 and 12 years and 26.9 per cent between 13 and 15 years. In hotels and restaurants and in shops and repair workshops, an overwhelming majority of children were boys. Girls outnumbered boys in domestic work and construction work. None of these children was asked to produce a certificate of medical fitness by the employer nor the employer got him/her medically examined. Children engaged in construction work, arts and crafts and production were highest paid, their average monthly salaries ranging from Rs. 105 to Rs. 110. Those working in households and restaurants were the lowest paid

<sup>14</sup> Sebastian A—Statewise Child Migrants and Child Migrant Labour in the Cities of India, *ibid.*

in terms of hard cash (Rs. 37 and Rs. 31 respectively on an average). Only 64.9 per cent of these children worked on regular basis. As many as 36.4 per cent of them worked beyond 6.00 p.m. 58.8 to 67.2 per cent of these children worked for 6 to 10 hours and 14.7 to 24.6 per cent for 10 to 14 hours. Roughly 8 per cent of them did not get any rest interval, 33 per cent got 30 minutes of rest and 46 per cent one to two hours of rest. According to parents, as many as 35 per cent of children did not get off-day during the week and 53 per cent did not get any holidays. Only 11.4 per cent of them were given casual leave, 5.2 per cent earned leave and 28 per cent sick leave of varying with or without pay. Thirty-five per cent of these children did not get leave/rarely got leave when required. Protection against sun and rain was not available to 20 per cent of the wage employed children, separate rest place to 79 per cent, proper lighting to 11 per cent, medical facilities to 59 per cent, drinking and bathing water facilities to 21 per cent, protection against job hazards to 47 per cent, proper ventilation to 16 per cent, recreational facilities to 83 per cent and toilet facilities to 43 per cent. As many as 24.6 per cent felt that their job was too tiring and 38.4 per cent that it was tiring. 11.4 per cent of the children were not satisfied with the treatment meted out to them by their employers. 22 per cent of the parents felt that work had affected the health of their children, 47.3 per cent of the children were most dissatisfied with their salary, 66.6 per cent with the length of their working hours, 13.7 per cent with the physical conditions of work, 5.9 per cent with the facilities and benefits available and 10.2 per cent with the security of their jobs. Besides their jobs, 36 per cent of the children had to do household chores.<sup>15</sup>

2.37. In Madras, 29.6 per cent of the working children worked for 8-9 hours per day, 31.6 per cent for 10-11 hours, 22.4 per cent for 12-13 hours and 11.6 per cent for 14-15 hours. Eighty-three per cent of these children received monthly wages below Rs. 60, 16 per cent between Rs. 60 and Rs. 70 and only one per cent above Rs. 80. In Delhi, the monthly wages<sup>16</sup> of 35 out of 43 earning children were less than Rs. 60, nine of these got even less than Rs. 15 p.m.<sup>17</sup>

2.38. One of the main industries in which child labour is prevalent is bidi manufacturing in which children roll bidis and assist the adult workers by cleaning and cutting the leaf and closing the ends. In 1959, there were about 0.2 million child workers engaged in bidi making alone. Employers pay the children much less than adults on the pretext that the products did not come upto the required standard of quality. A survey in Murshidabad revealed that about 9 per cent of bidi workers between the ages of 10 and 17 showed definite signs of chronic bronchitis and 10 per cent of the boys suffered from anaemia. There was sufficient indication to suspect a high incidence of tuberculosis among the bidi workers and this, according to the survey was due to starting work at a tender age, very long hours of work, excessive overcrowding and the peculiar posture during work which was an impediment to the healthy development of the lungs of the children.<sup>18</sup>

2.39. In glass bangle industry in Firozabad, the home of this industry in the country, children are employed in Jurai (joining of ends), *Chhatai* (sorting), *Katai* (engraving of different pattern with the help of abrasive wheels), *pakai* (heating) and then in counting and packaging. The decoration of bangles with *hill* (liquid gold) is done by girls and women. The factories run for about 8 months in the year and work only at night. Children between 8 and 14 years from one-fifth of the total labour force employed in the industry. They are paid Rs. 3 a day for eight hours of work. Nearly 90 per cent of the labour is illiterate and 80 per cent between 10 and 40 years of age. The temperature inside the factory is 40-45 degrees Centigrade which makes working in summer miserable. Seven out of 10 factories have no first aid box. Cases of asthma and bronchitis are many. Workers suffer from various eye diseases. Firozabad ranks first as far as tuberculosis incidence is concerned.

2.40. In handloom and carpet weaving, the children assist the weavers. They work in the middle of the loom and adults work on either end of the loom. The carpet weaving industry of J. & K. employs some 6,500 children of 8 to 10 years of age, forcing them to work 8 hours a day for Rs. 80 per month. The children are packed into sheds, in long rows behind giant looms feverishly picking

<sup>15</sup>Working Children in Bombay, *ibid.*

<sup>16</sup>George K. N., *ibid.*

<sup>17</sup>Working Children in Urban Delhi—A research report. Indian Council of Child Welfare, New Delhi, 197.

<sup>18</sup>Punekar S. D.—Child Labour in Unorganised Industries—Rural vocations, paper presented at National Seminar on Employment of Children in India, New Delhi, November, 25-28, 1975.

warp and wool as a master-craftsman gives instruction. The air is thick with particles of cotton fluffs and wool and 60 per cent of the children are asthmatic or have primary tuberculosis.

2.41. A very large number of children are employed in handloom industry. The looms are set up in very dark and dingy rooms. For long hours children sit in crouched positions thus affecting adversely their physical growth and development while the older children got a wage of Rs. 60 to Rs. 100 a month—the younger ones in the age group 8—10 were paid as low as Rs. 15 a month.

2.42. Children are also employed in Zari making and embroidery industry. Out of an estimated 45,000 children workers in Lucknow nearly one-sixth were children in age group 8—15. On the average a child is able to earn Rs. 50 a month. They sit and work in over-crowded rooms with poor lighting and ventilation. Many of them suffer from eye diseases.

2.43. The precious stone polishing industry of Jaipur employs 10,000 children all of whom work in slums or miserable hovels. The work is done through middle men who procure children for a pittance. The young diamond cutters of Surat develop eye defects very soon. They are ruthlessly retrenched with the first early signs of eye fatigue. Many are jobless in their teens.

2.44. The Committee also had an opportunity of watching children at work in certain sectors in different parts of the country. In several write ups in newspapers and periodicals during this year the position of children employed in the match and fire works industry in Sivakasi has been very much highlighted. The Committee visited Sivakashi and had extensive discussions with employers, representatives of trade unions, as also, with individual child workers and their guardians. It is estimated that nearly 50,000 child workers are employed in this area. There is an organised system to arrange for their transport from the neighbouring villages and to bring them to the factory sites. The children have to leave their homes in the early hours of the morning to catch the factory bus. An incredibly large number of them are jam-packed into ramshackled buses. Children actually start work from 7 in the morning and continue till 6 in the evening. In between there is a short break around noon time when most of them eat their tiffins which they bring from home. Because the wages are determined on the basis of piece-rates (and this system generally prevails in other areas also where children are employed), they all work feverishly in time available to them to show the maximum output. This results in a complete neglect of their own requirements and many of the children were found rather frail and anaemic in their looks. There was no medical assistance available to them; and children even in sick conditions had no option except to sit in the factory and work on box making, frame filling, box filling, labelling and band role pasting. Despite their best efforts for the day, their return was a very meagre one.

2.45. In Calcutta, the Committee found a number of children working in very gloomy environments in machine-tools and repair shops. Quite a few of them were not receiving wages but had joined the establishment as informal apprentices. They were also seen repairing old batteries and coiling electrical appliances. In the Howrah area large number of them were employed in foundaries. It was pointed out that their service had actually been procured by contractors who were not covered by the Factory legislation. The foundary owners had developed their operations by adopting the subterfuge of providing only molten metal, and leaving the foundary work to the contractor. All these children were badly covered in ash and clay and though they earn Rs. 5 a day their physical condition was most pathetic and gruesome.

2.46. During its visit to Kerala, the Committee came across a paradoxical situation. There are large number of unemployed adults in the state. Because of the state's high-wage economy, many of the traditional industries of the State were shifting to neighbouring States. In the resultant situation children were being paid extremely low wages as there was no statutory regulation in respect of their working. It was surprising to see that while male workers in certain semi-skilled jobs were receiving a wage as high as Rs. 15 to 20, the children who were employed likewise were given a wage of less than Rs. 2. The State Government were aware of the problem, but had found themselves helpless as they could not isolate the State from the conditions prevailing across in other border States. They pointed out the difficulties which had arisen in traditional industries like cashew nut processing manufacture of coir products, etc. It was emphasised in the background that in dealing with children there should be a uniform policy in the country as a whole.

2.47. In Kanchipuram in Tamil Nadu the Committee again came across a number of children between the age group of 7 to 14 working on looms. It was pointed out that because of their nimble fingers they were particularly deft in weaving designs and borders. Most of them had never been to school. They were getting a wage between Rs. 60 to Rs. 100 a month. Some of the very young children were being paid as low as Rs. 15 a month. In some cases, it was also pointed out that children had been pledged into work by the guardians on a long term basis. In Shantipur area in West Bengal again children of very young age were found likewise working on cotton handlooms. Even 6 to 7 years old children had been given the task of preparing reels while a few others, slightly senior in age were operating the looms.

2.48. Countless number of children are working in the unorganised and self-employed sectors in towns as domestics, workers in hotels, restaurants, canteens, wayside tea stalls, shops and establishments, helpers in service stations and repair shops, construction workers, vendors, hawkers, newspaper sellers, shoe-shines, rag pickers, coolies and casual labourers, etc., children in construction work are often hired along with their parents. By and large, even basic minimum welfare amenities are not available to workers engaged in building and construction. A child construction worker digs the earth, carries headloads of mud and mortar, removes debris, prepares mortar, breaks stones, straightens bends and solders heavy iron rods. Mukadams are bribed in order to be recruited. As the construction sites change, the families of construction workers have always to be contented with make-shift housing structures. The work demands the hardest of physical labour which stunts the growth of the child and holds no promise or prospects for him. The conditions of children working in tea stalls and wayside restaurants is equally narrowing. Most of these are small, improvised structure made of loose stones, bricks, mud, tin sheets, and gunny and cluttered with paraphernalia leaving hardly any space for movement. The child employees have to work from early hours in the morning to late hours in the night with or without intermittent rest pauses for a meagre wage. The child has most of the time to work and rest in the open, exposed to the vagaries of weather. He looks unclean, ill-clad and barefooted, a sad picture of sordid exploitation. The condition of the domestic worker depends on the socio-economic status of the family employing him. However, his life is usually one of the monotonous routine. He has to work right through the month and through the year. India has not touched, as compared with advanced countries, even the fringe of rights and status which domestic servants should enjoy, even though their number is large and fast growing in towns (more than one-fifth of the child wage earners in Bombay are domestics). For 14 hours of work, these children are paid anything from Rs. 25 to Rs. 60. It is seldom that they are given leave with pay. Perhaps the most dangerous, demeaning and destructive of self worth is the job of scrap collectors or rag pickers. The nature of their work, and work environment is most unhygienic. These children hail from poverty stricken scheduled caste families residing in slums. Even a casual look at their physique and clothing reveals the extent of their poverty and deprivation. They scrounge dust bins and garbage dumping grounds for waste material like paper, rags, coconut shell, tin, iron, plastic, glass pieces and even left-over food. These children develop several kinds of skin diseases. While collecting rusted iron pieces, they may receive cuts on their hands and become susceptible to tetanus. The sharp glass pieces lying hidden in the garbage may injure their bare feet and injury may develop into festering wounds. However, what they do has a bearing on the urban economy. Many a production enterprise is based on the recycling of these wastes and would grind to a halt if their supply is totally stopped. Though their work is unbecoming these children manage to earn Rs. 5 or so a day.

### Conclusions

2.49. In the aforesaid analysis a broad description has been given of the nature and extent of child labour in India. As has been mentioned earlier, the Committee on its own had also sponsored certain studies to get more first hand data in respect of working children. The results of these studies, however, could not be made available to the Committee at the time of preparing its report. Due to various unforeseen factors, the Committee itself was also not able to cover very intensively all parts of the country for its on the spot observations. A feeling was, however, shared uniformly by the members of the Committee that further studies would only reinforce the broad conclusions it had already formulated. The children who were interviewed were not happy in the environment in which

they were working. They had no sense of pride or feeling of satisfaction in what they were doing. In fact, most of them surrendered themselves as objects of pity and denial. On being questioned as to what would be their basic desire, their answer invariably was to go in for education. During its visit to Pondicherry the Committee could visibly see the transformation which had come about in this contiguous area due to earlier stress there for purposeful and work oriented education. There was hardly any child labour in evidence there.

2.50. While Pondicherry is an example apart of its own class, the Committee also had the opportunity of understanding the situation in a tribal environment during its visit to Arunachal Pradesh. Here again because of the traditional equilibrium in the society, there was little evidence of child labour. But on the other hand, doubts were creeping in that with the so-called modern development new establishments were coming up which were inducing children to work. The State was aware of the consequences and was attempting to harmonise the development process in a manner in which children could be given a purposeful orientation keeping in view the basic needs of the society.

2.51. Briefly, the existing situation in respect of child labour in India can still be summarised as one of 'continuing drift'. Though there is little evidence of children at work in the organised sector of industry and in certain pockets in the country, the overall position is as had been observed by the Whiteley Commission nearly 50 years ago. Bulk of the children continue to be employed in the rural environment. While most of them work without wages, there is an increasing number amongst them of children employed for wages and also of many working on jobs which are hazardous. They handle dangerous chemicals (pesticides, fertilisers, etc.) and they are also employed on machines with sharp edges and blades. Definite efforts are called for to prohibit their working in such occupations. Quite a large number of children residing in rural areas are also employed in cotton industries, where again the regulation by law is minimal, and the positive adjuncts which ought to be there to help the working children are not at all institutionalised. There is still a large scale migration of children from rural environment to urban areas. These children take to employment in smaller establishments in cities under varying exploitive conditions. The regulation by law of employment of children covers only a fringe of these occupations and ironically even where regulation has been sought, the enforcement is extremely half-hearted, and tardy. The Committee would wish to emphasise unequivocally that unless a systematic evaluation is made from time to time in respect of jobs in which children are employed and certain purposeful policy decisions are taken to meet the deficiencies, the existing situation is not likely to undergo any dimensional, qualitative or quantitative change.

सत्यमेव जयते

## CHAPTER III

### LEGISLATIVE FRAMEWORK IN INDIA FOR CHILD LABOUR

#### Historical Perspective

3.1 The developments in India on the subject of legislation regulating child labour during the last hundred years or so can be conveniently considered under the following periods :—

##### (1) *The Period upto 1920*

3.2. This was the period of initiation. It was the Industrial Revolution which, though it came late to India, brought to the forefront the possibility of exploitation of labour, and the need for statutory protection against such exploitation. The Indian Factories Act, 1881<sup>1</sup> makes the beginning of such statutory protection in India. That Act, *inter alia* provided for the protection of children as to employment in factories in respect of the following matters :—

- (i) minimum age — (seven years);
- (ii) successive employment (employment in two factories on the same day prohibited);
- (iii) duration of employment (working hours not to exceed nine hours a day, and at least four holidays to be given in a month);
- (iv) factories employing 100 or more persons were covered by this Act.

3.3. In 1891, the factories legislation was revised. The Indian Factories Act, 1891<sup>2</sup> struck a small advance in respect of the following matters :—

- (i) minimum age (increased to nine years);
- (ii) hours of work (maximum seven hours per day, with prohibition of work at night between 8 p.m. and 5 a.m.).

3.4. In 1901<sup>3</sup>, the Mines Act was passed, prohibiting the employment of children under 12 years and in employment dangerous to children's health and safety.

3.5. In 1911, the Factories Act of 1911<sup>4</sup> made the following salient provisions in regard to child labour :—

- (i) hours of work (work between 7 p.m. and 5.30 a.m. was prohibited);
- (ii) work in certain dangerous processes was prohibited;
- (iii) certificate of age and fitness for employment was required.

3.6. The protection given to children by these measures was the barest minimum.

##### (2) *The period from 1921 to 1930*

3.7. The period from 1921 to 1930 may be described as a period of substantial progress and one of protective legislation. The formation of the International Labour Organisation, 1919 as also the establishment of the All India Trade Union Congress, 1920 gave an impetus to reform the law relating to conditions of labour in general and as a part of those reforms, certain measures relevant to child labour were also adopted.

3.8. The International Labour Organisation since its inception had included among its primary objects the safeguarding and promotion of the rights and welfare of youth. Its constitution in the original form in article 41 declared it imperative for the organisations to promote the abolition of child labour<sup>5</sup>. (Later, the declaration of Philadelphia of 1944 recognises its obligation to further among the nations of the world, programmes which would achieve provision for child welfare and maternity protection and the assurance of equality of educational and vocational opportunity).

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<sup>1</sup>Central Act 15 of 1881

<sup>2</sup>Central Act 11 of 1891

<sup>3</sup>Central Act 8 of 1901

<sup>4</sup>Central Act 12 of 1911

<sup>5</sup>I.L.O. Asian Labour Laws (1951), page 94

3.9 During the period under consideration, legislation in relation to factories, mines, and ports gave increased protection against exploitation of children.

3.10 As to factories, the Amendment Act of 1922<sup>6</sup> (passed<sup>7</sup> to implement the ILO Convention of 1919) made important changes in respect of the following matters :—

- (i) minimum age (15 years in general);
- (ii) working hours (maximum 6 hours, and also interval of half an hour if employed for more than 5½ hours);
- (iii) scope of the Act (establishments employing 20 or more persons with mechanical power were covered with power to local government to exclude the provisions to premises employing 10 or more persons);
- (iv) prohibition of employment of children below 18 and women in certain processes;
- (v) provision for medical certificate *plus* certificate of re-examination for continuing work.

3.11 The Amendment of 1926<sup>8</sup> (amending the Factories Act of 1911) imposed certain penalties on the parents and guardians for allowing their children to work in two separate factories on the same day.

3.12 The Indian Mines Act, 1923<sup>9</sup> raised the minimum age for employment from 12 to 13 years in mines.

3.13 The Indian Ports (Amendment) Act 1931<sup>10</sup> laid 12 years as the minimum age that could be prescribed for handling goods in ports, a restriction previously applicable only to handling at “piers” jetties, landing places, wharves, quarries, docks, warehouses and sheds<sup>11</sup>.”

(3) *The period from 1931 to 1949*

3.14 The period from 1931 to 1949 represents a comparatively more concerted effort to deal with child labour. The scene was set by the well documented and comprehensive Report of the Royal Commission on Labour (1931) which recommended extensive reforms, many of which were carried out.

3.15 The Tea District's Emigrant Labour Act, 1932 was passed to check the migration of labour to the tea cultivating districts. One of its provisions laid down that no child under sixteen should be employed or allowed to migrate to districts with tea plantations, unless the child is accompanied by his parents or other adult relative on whom the child is dependent.

3.16 In 1933 was passed the Children (Pledging of Labour) Act prohibiting pledging of a child for the purpose of getting certain work done. The Royal Commission on Labour had found evidence in such widely separated areas as Amritsar, Ahmedabad and Madras of the practice of pledging child labour; that it, taking of advances by parents or guardians in return for bonds, pledging the labour of their children. In some cases, for example, in the carpet factories of Amritsar, and the bidi factories of Madras the children, so pledged were subjected to very unsatisfactory working conditions. The Royal Commission, therefore, recommended that the expediency of penalising the giving of advances to secure the labour of children and the exclusion of bonds pledging such labour should be examined by the Government of India and that, in any case, the bond, pledging the labour of a person under fifteen years executed for on account of any consideration should be void. In making his recommendation, the Commission observed as follows :—

“The system is indefensible, it is worse than the system of indentured labour for the indentured labourer is, when he enters on the contract, a free agent while the child is not”.

(The Government of India had eliminated by that time the system of indenture.)

<sup>6</sup>Central Act 2 of 1922 amending Act 12 of 1911

<sup>7</sup>Minimum Age (Industrial Convention No. 5) 1919

<sup>8</sup>Central Act 26 of 1926 which inserted section 44A

<sup>9</sup>Central Act 4 of 1923

<sup>10</sup>Central Act 11 of 1931

<sup>11</sup>Central Act 15 of 1922



3.17 The recommendation of the Commission was given effect to by introducing in the Legislative Assembly at the Centre in 1932 a Bill called the Children (Pledging of Labour) Bill<sup>12</sup>. The Bill sought to eradicate the evil of imposing penalties on parties to agreements pledging the labour of children on persons knowingly employing children whose labour had been pledged.

3.18 The Bill was referred to a Select Committee which made certain major changes, such as, the introduction of a proviso to clause 2 of the Bill which related to the definition of "an agreement to pledge the labour of a child", so as to remove, from the scope of the definition, agreements of a type essential to safeguard against the disabilities imposed by the Bill. The definition of the expression 'guardian' was suitably amended. A clause was inserted to provide that an agreement to pledge the labour of a child shall be void. The Committee also made suitable changes to provide for the making of such agreement an offence. This Bill was enacted as the Children (Pledging of Labour) Act, 1933. Thus, the Act of 1933 was aimed at the most direct and blatant exploitation of children by adults.

3.19 Factory legislation also underwent complete revision as a result of the Report of Royal Commission on Labour (1931). The Factories Act of 1934<sup>13</sup> evolved elaborate provisions regulating employment in respect of various age groups in regard to factories. The salient points may be thus stated—

- (i) children under 12 years—employment generally prohibited ;
- (ii) children between 12 and 15 years—employment restricted to 5 hours a day;
- (iii) children between 15 and 17 years (defined as 'adolescent')—certain restrictions were imposed.

<sup>3</sup>20 Then followed the Indian Mines, (Amendment) Act, 1935<sup>14</sup> which amended the Indian Mines Act, 1923. In the reforms effected by this Act, children were divided into age groups, and the position, broadly stated, was as follows :—

- (i) children under 15 years—employment in mines was prohibited;<sup>15</sup>
- (ii) persons between 15 and 17 years—employment underground permitted only on the production of a certificate of physical fitness granted by a qualified medical practitioner;<sup>16</sup>
- (iii) working time restricted to maximum 10 hours a day and 54 hours a week for work above the ground, and 9 hours a day for work under the ground.<sup>17</sup>

3.21 The Twenty-third Session of the International Labour Conference, 1937, had adopted a Convention in which a special article for India was inserted, fixing the minimum age at which children may be employed or may work in certain occupation. That article reads as follows :—

"Children under the age of 13 years shall not be employed or work in the transport of passengers, or goods, or mails, by rail, or in the handling of goods at docks, quays or wharves, but excluding transport by hand. Children under the age of 15 years shall not be employed or work.....in occupations to which this Article applies which are scheduled as dangerous or unhealthy by the competent authority."

3.22 The Employment of Children Act, 1938, passed to implement this Convention prohibited the employment of children under fifteen in occupations connected with the transport of goods, passengers or mails on railways. It raised the minimum age for handling goods in docks from twelve years [the age fixed by section 6 (1A) of the Indian Ports Act, 1908 to 14 years which was the age recommended by the Royal Commission on Labour]. A simple procedure enabling employers to safeguard themselves against transgressions of the legislation by providing themselves with, or requiring a candidate for employment to furnish a certificate of age was also provided in the legislation.

<sup>12</sup>Central Act 2 of 1933

<sup>13</sup>Central Act 25 of 1934

<sup>14</sup>Central Act 5 of 1935, amending Act 4 of 1923

<sup>15</sup>Section 3(c), "child"—of the Mines Act, 1923.

<sup>16</sup>Section 26A, Indian Mines Act, 1923.

<sup>17</sup>Sections 22B and 22C as inserted in the Indian Mines Act, 1923.

3.23. Employment is thus regulated according to the age group. The Act is not an exhaustive Code of all provisions regulating the employment of children, though the title of the Act gives that impression. It deals with employment in industrial establishments not covered by the Factories Act and in railways and ports. In the main, however, it provides for the following matters—

- (i) age of employment (railways)—employment of children under 15, in occupations connected with the transfer of goods, passengers or mails on railways prohibited,
- (ii) age of employment (ports)—for handling goods in docks minimum age raised from 12 [fixed by section 6(iA) of the Indian Ports Act, 1908] to 14 as recommended by Royal Commission.
- (iii) procedure for certificate of age.

3.24. Provisions were also introduced in 1939 in the Act of 1938 for verification of age in case of dispute.

3.25. By an amendment of the Employment of Children Act, 1938 in 1949 the minimum age for employment in establishments governed by that Act of 1938 was raised to 14 years.

3.26. The Labour Investigations Committee (1946) examined the state of Indian Labour in depth. There followed a spate of legislation after its Report. In 1948, the Factories Act was passed, raising the minimum age for employment in factories to 14 years.

*(4) The period from 1950 to date*

3.27. The period from 1950 may be described as one of progressive activity. The wide ranging provisions against exploitation, laid down in the Constitution (1950), gave an impetus to the protection of weaker sections of society.

3.28. The Constitution of India recognises the need for granting special protection to children. The provisions are two fold :

- (i) fundamental rights,
- (ii) directive principles.

3.29. As regards fundamental rights, specific provisions in regard to children have been made in Part III of the Constitution. While, in general, the Constitution prohibits discrimination on certain grounds, article 15, clause (3) saves the validity of laws making special provisions for women and children. State action so taken cannot be challenged on the ground of discrimination.

3.30. Article 24 provides categorically that no child below the age of 14 years shall be employed to work in any factory or mine, or engaged in any other hazardous employment. "State" in this context includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India (Article 12).

3.31. As regards directive principles of State policy, it will be appropriate to refer to article 39 (contained in Part IV of the Constitution). It incorporates a directive principle of State policy in these terms :

- “(a) that...tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- (b) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”

3.32. Article 45 directs the State to make endeavour to provide within a period of ten years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

3.33. Article 47 requires the State to raise the level of nutrition and the standard of living of its people.

3.34. The Constitutional philosophy found concrete shape in the post 1950 legislative activity in the sphere of child labour as in many other spheres of social welfare.

3.35. The I.L.O. Convention relating to night work of young persons led to an amendment in 1951 in the Employment of Children Act, 1938, which prohibits the employment of children between 15 and 17 years at night in Railways and Ports. The employers were required to maintain a register for children under 17.

3.36. The Plantations Labour Act, 1951, prohibited the employment of children under 12 years in plantations. The Mines Act, 1952 prohibited the employment of children under 15 in mines. An adolescent could be employed for underground work as adult on the satisfaction of two conditions—first he must have completed 16 years of age and secondly, he must have a certificate of physical fitness from a Surgeon.

3.37. In 1954, the Factories Act was again amended to prohibit the employment of adolescent under 17 years at night. "Night" in this Act means a period of 12 consecutive hours which include the hours between 10 P.M. and 7 A. M.

3.38. By the Merchant Shipping Act, 1958, children under 15 were prohibited to be engaged or carried to sea to work in any capacity in any ship, except in certain specific cases.

3.39. The Motor Transport Workers Act, 1961, prohibited the employment of children under 15 in motor transport undertakings.

3.40. The Apprentices Act, 1961, provided for regulating and controlling of trainees. This was amended to protect the rights of apprentice trainees. The Act prohibited the undergoing of apprenticeship training by a person under 14.

3.41. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966, prohibited the employment of children under 14 in any industrial premises manufacturing bidis or cigars. Young persons between 14 and 18 were also prohibited to work at night between 7 P.M. and 6 A.M. in such establishments.

3.42. In 1978, the Employment of Children Act, 1938, was further amended so as to extend the prohibition of employment of a child below 15 years, in certain occupations in railway premises, such as, cinder-picking or clearing of an ash pit or building operation, in catering establishment at a railway station or in occupation relating to construction of a railway station or any other work where such work is done in close proximity to or between, the railway lines. These occupations were not covered before 1978.

3.43. The momentum generated by the constitutional philosophy of social justice which was the inspiration for the post-Constitution legislation summarised above needs a more sustained and deliberate action both by way of legislative and administrative actions.

3.44. All of the legislation summarised above have not been concerned solely with children. Many of the legislative measures have been concerned with employment of persons in general, and protection of children appears there only as a small part of the general legislative scheme. The more recent legislative measures, however, do bear a different impress.

3.45. Justice Frankfurter once wrote, "Children have a very special place in life which law should reflect. Legal theories and their phrasing in other cases readily lead to fallacious reasoning if uncritically transferred to determination of a state's duty toward children".<sup>18</sup>

The soundness of this needs to be realised more seriously in respect of further action.

#### **Enactments dealing with Employment Children**

3.46. The following enactments which relate either wholly or partially to the employment of children in India were examined in detail by the Committee.

- (i) The Children (Pledging of Labour) Act, 1933.
- (ii) The Employment of Children Act, 1938.

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<sup>18</sup>Mary V. Sunderson, (1953) 345, 528, 536.

- (iii) The Minimum Wages Act, 1948—Rules made thereunder by Central Government.
- (iv) The Factories Act, 1948.
- (v) The Plantations Labour Act, 1951.
- (vi) The Mines Act, 1952.
- (vii) The Merchant Shipping Act, 1958.
- (viii) The Motor Transport Workers Act, 1961.
- (ix) The Apprentices Act, 1961.
- (x) The Atomic Energy Act, 1962.
- (xi) The Beedi and Cigar Workers (Conditions of Employment) Act, 1966.
- (xii) The Shops and Establishments Acts in various States.

3.47. It would be noticed that of the various Central Acts listed above, two namely, the Pledging of Labour Act and the Apprentices Act—relate to employment in general. The Employment of Children Act—though the title is widely expressed—is, in its scope, confined to certain specified employments. The Factories Act may be said to cover a wide range of establishments, but even that Act cannot be described as a kind of general law on the subject of child labour. The Plantations Labour Act, the Mines Act, the Merchant Shipping Act, the Motor Transport Workers Act, the Atomic Energy Act and the Beedi and Cigar Workers (Conditions of Employment) Act are even more narrow in their scope.

3.48. Thus, no “general” law regulating child labour is to be found on the Indian Statute Book. This is because historically, legislation was passed not with a focus on the employment of children or, for that matter, persons falling under any other age group or any particular general category, but with reference to the need to regulate employment in a particular industry as and when such need arose.

3.49. The salient provisions of the different enactments are briefly discussed thereafter.

(i) *THE CHILDREN (PLEDGING OF LABOUR) ACT, 1933 (2 OF 1933)*

3.50. This Act prohibits the making of agreements to pledge the labour of children, and the employment of children whose labour has been pledged under such an agreement. The Act extends to the whole of India. “Child” under the Act means a person who is under the age of fifteen years (section 2). An agreement to pledge the labour of a child is void (section 3). However, an agreement made without detriment to a child and not made in consideration of any benefit other than reasonable wages to be paid for the child’s services, and terminable at not more than a week’s notice does not amount to an agreement to pledge the labour of a child (section 2 proviso). A parent or a guardian making an agreement to pledge the labour of a child is punishable with fine which may extend to fifty rupees (section 4). Making, with a parent or guardian, an agreement to ‘pledge the labour’ of a child is also punishable with fine which may extend to two hundred rupees (section 5). Further, employing a child whose labour has been pledged is also punishable with fine which may extend to two hundred rupees (section 6).

(ii) *THE EMPLOYMENT OF CHILDREN ACT, 1938 (26 OF 1938)*

3.51. This Act regulates the employment of children in certain industrial employments. It extends to the whole of India. The provisions are related to the age group and are expressed so as to apply to—

- (a) a child below 14;
- (b) a child below 15 ;
- (c) a child between the ages of 15 and 17.

3.52. The Act provides that a child who has not completed his fifteenth year shall not be employed or permitted to work in any occupation—

- (a) connected with the transport of passengers ~~goods~~ or mails by railway; or
- (b) connected with cinder-picking, ~~classification of material~~ or building operation, in the railway premises; or

- (c) connected with the work in a catering establishment, at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train; or
- (d) connected with the work relating to the construction of a railway station or with any other work where such work is done in close proximity to, or between the railway lines, or
- (e) connected with a port authority within the limits of any port [section 3(i)].

3.53. A child who has completed his fifteenth year but has not completed his seventeenth year cannot be employed or permitted to work in any occupation referred to in sub-section (1), unless the periods of work of such child for any day are so fixed as to allow an interval of rest for at least twelve consecutive hours between 10 P. M. and 7 A. M. as may be prescribed by rules made by the Government [section 3(2)].

The provisions of this sub-section shall not, however, apply to any child employed or permitted to work in prescribed circumstances and in accordance with prescribed conditions, in any occupation aforesaid, either as an apprentice or for the purpose of receiving vocational training therein.

3.54. The provisions of this sub-section also do not apply if the "competent authority" is of opinion that an emergency has arisen and such authority declares, by notification in the Official Gazette, that in the public interest the provisions of the said sub-section shall not be in operation for such period as may be specified in the notification [section 3(2)].

3.55. "Competent authority" has been defined in section 2(a). The Central Government will be the competent authority in respect of—

- (a) a major port, as defined in the Indian Ports Act, 1908, or so declared by or under an Act of Parliament; and
- (b) a railway.

In any other case, the State Government would be the competent authority.

3.56. A child who has not completed his fourteenth year shall not be employed, or permitted to work, in any workshop wherein any of the processes set forth in the Schedule is carried on. The processes are :—

- (a) bidi-making;
- (b) carpet-weaving;
- (c) cement manufacture, including bagging of cement;
- (d) cloth-printing, dyeing and weaving;
- (e) manufacture of matches, explosives and fireworks;
- (f) mica-cutting and splitting;
- (g) shallac manufacture;
- (h) soap manufacture;
- (i) tanning; and
- (j) wool cleaning [section 3(3)].

The provisions of this sub-section shall not apply—

- (a) to any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour; or
- (b) to any school established by, or receiving assistance or recognition from a State Government.

3.57. For contravention of certain provisions of this Act, the punishment is simple imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both (Section 4).

(iii) *THE MINIMUM WAGES ACT, 1948 (11 OF 1948)*

3.58. The Act provides for the fixation of minimum rates or wages. It extends to the whole of India, and applies to the specified employments. These are specified in the Schedule to the Act but the Schedule can be added to by notification by the appropriate Government. (Section 27).

3.59. "Appropriate Government" for the purpose of this Act means—

- (i) in relation to any scheduled employment carried on by or under the authority of the Central Government or a railway administration or in relation to a mine, oilfield or major port or any corporation established by a Central Act, the Central Government;
- (ii) in relation to any other scheduled employment, the State Government.

[Section 2(b)]

3.60. The Act specified that the expressions "adult", "adolescent" and "child" will have the meanings respectively assigned to them in section 2 of the Factories Act, 1948. [Section 2 (a)].

3.61. Thus, for the purpose of the Minimum Wages Act—

- (a) "adolescent" is a person who has completed his fifteenth year but has not completed his eighteenth year;
- (b) "child" is a person who has not completed his fifteenth year.

3.62. It is not very clear, however, whether these definitions by reference have any particular significance for the purposes of the Minimum Wages Act, since the Act does not seem to contain any important prohibition or regulatory provision applicable only to child labour, except that it provides that in fixing or revising minimum rates of wages, different minimum rates of wages may be fixed for adults, adolescents, children and apprentices. [Section 3(3)(a)].

3.63. The Central Government is empowered to make rules for certain purposes, including fixing the "normal working day" [section 30(1) (g), read with section 13]. Rule 34 of the Minimum Wages (Central) Rules, 1950, made under the Act provides, *inter alia*, that the number of hours which shall constitute a "normal working day" in the case of a child shall be 4½ hours. In effect, this prohibits the employment of children for more than 4½ hours for any day in the employments to which the parent Act applies.

(iv) *THE FACTORIES ACT, 1948 (63 OF 1948)*

3.64. This Act consolidates and amends, the law relating to labour in factories. The expression "factory" is defined as meaning any premises, including the precincts thereof, wherein the (numerical) strength of workers is above ten in case where a manufacturing process is being carried on with the aid of power, and above twenty where such process is being carried on without the aid of power. [Section 2 (m)].

3.65. The definitions in section 2, clauses (a), (b), (c) and (d) of the expressions "adult", "adolescent", "child" and "young person", indicate that the Act makes a distinction between "young persons" (persons who have not attained the age of 18) and "adults" (persons who have attained the age of 18). Young persons themselves are sub-divided into "children" (persons who have not attained the age of 15 years) and "adolescents" (persons who have attained the age of 15 but have not attained the age of 18).

3.66. However, this is not all. As regards children (persons who have not attained the age of 15), there are again provisions which apply to all children and there are certain provisions which apply only to children below a specified age. To the first category, belong the following provisions of the Act :

- (a) non-adult workers to carry tokens giving reference to a certificate of fitness (section 68);
- (b) certificate of fitness (section 69);

- (c) working hours for children (section 71);
- (d) display of notice of periods of work for children (section 72);
- (e) register of child workers (section 73);
- (f) power to require medical examination (section 75).

3.67. The provisions which fall in the second category mentioned above (provisions applicable only to children below a specified age) are :—

- (a) prohibition of employment of children who have not completed their fourteenth year (section 67);
- (b) certificate of fitness, in so far as a distinction is made between a certificate of fitness to work in a factory where a young person has completed his 14th year and such a certificate granted where a young person has completed his 15th year and is fit for a full day's work in factory [section 69(2)].

It may also be noted that an adolescent who has not been granted a certificate of fitness to work as an adult "shall, notwithstanding his age, be deemed to be a child for all the purposes of this Act". [section 70(i)],

3.68. The main prohibition and regulatory provisions as to child labour are the following :—

- (a) employment of a child under fourteen years of age in factories is prohibited (section 67);
- (b) a child who has completed his fourteenth year is not permitted to work in a factory for more than four-and-a-half hours in any day or during night. "Night" means a period of at least twelve consecutive hours, which will include the interval between 10 P.M. and 6 A.M. [section 71(1)].
- (c) such a child cannot also be employed in two shifts and cannot be allowed to work in more than one factory on the same day [section 71(2)].
- (d) further, such a child shall not be required or allowed to work in any factory on any day on which he has already been working in another factory [section 71(4)]. An adolescent is considered to be an adult for the purpose of other provisions of this Act provided he has a certificate from a certifying surgeon that he is fit for a full day's work in a factory (section 70).

3.69. No young person shall be allowed to clean, lubricate or adjust any part of a prime mover or any transmission machinery while the prime mover or transmission machinery is in motion or to clean, lubricate or adjust any part of any machine if the cleaning, lubrication or adjustment thereof would expose the young person to risk of injury from any moving part either of that machinery or of any adjustment machinery [section 22(2)].

3.70. No young person shall work at any machine notified in this behalf by the State Government unless he has been fully instructed as to the dangers arising in connection with the machine and precautions to be observed and—

- (a) he has received sufficient training in work at the machine; or
- (b) he is under adequate supervision by person who has a thorough knowledge and experience of the machine [section 23(1)].

3.71. The provisions of section 23, sub-section (1) shall apply to such machines as may be specified by the State Government, being machines which in its opinion are of such a dangerous character that young persons ought not to work at them unless the statutory requirements are complied with [section 23(2)].

3.72. No child shall be employed in any part of a factory in pressing cotton in which a cotton-opener is at work (section 27). An exception is provided according to which, if the feed-end of a cotton-opener is in a room separated from the delivery and by a partition extending to the roof or to such height as the inspector may in any particular case specify in writing, a child may be employed on the side of the partition where the feed-end is situated (section 27 proviso).

3.73. The State Government is empowered to make rules prescribing the maximum weights which may be lifted, carried or moved by young persons and children employed in factories or in any class or description of factories or in carrying on any specified process [section 34(2)].

3.74. The Act lays down penalty for using false certificate of fitness or a certificate granted to another person; the penalty being imprisonment upto one month or fine upto rupees fifty or both (section 98).

3.75. The Act also imposes penalty of fine upto rupees fifty on a parent or guardian for permitting double employment of a child (section 99).

(v) *THE PLANTATIONS LABOUR ACT, 1951 (69 OF 1951)*

3.76. This Act provides for the welfare of labour in plantations and regulates the conditions of work of such labour. The Act extends to the whole of India except the State of Jammu and Kashmir [section 1(2)]. The Act applies to "plantations", i.e., any land used or intended to be used for growing tea, coffee, rubber or cinchona and admeasuring 10.117 hectares or more and in which 30 or more persons are employed and to such other plantations having this measurement and employing this number of persons as the State Government may, after obtaining the approval of the Central Government, notify in the Official Gazette [section 1(4)]. Employment of a child below 12 years of age in plantation is prohibited (section 24). A child above 12 years of age cannot be employed in any plantation otherwise than between the hours of 6 a.m. and 7 p.m. This provision does not, however, apply to midwives and nurses employed in any plantation (section 25). The Act restricts the hours of work of a child in any plantation to 40 hours a week (section 19).

3.77. Every child above 12, and every "adolescent", that is to say, a person who has completed 15 years but has not completed 18 years, may be employed in a plantation, provided they obtained a certificate of fitness, from a certifying surgeon (section 26). The certificate is valid for one year at a time, [section 27(2)].

3.78. Where children between the ages of 6 and 12 of workers employed in any plantation exceed 25 in number, the Act casts an obligation on the State Government to make rules requiring the employer to provide educational facilities for children in such a manner and of such standard as may be prescribed by rules (section 14).

3.79. Usual provisions for offences and penalties are provided in the Act (Sections 34, 35 and 36).

3.80. It may also be mentioned in this connection that the Government of India proposed to amend this Act to bring within its scope other plantations like cardamom, arecanut, medicinal herbs, etc and to effect some other changes. A Bill for the purpose was introduced in the Rajya Sabha and referred to a Joint Committee. This Bill, as reported by the Joint Committee, is still pending in the Rajya Sabha.

(vi) *THE MINES ACT, 1952 (35 OF 1952)*

3.81. This Act amends and consolidates the law relating to the regulation of labour and safety in mines. It extends to the whole of India. The minimum age for employment in mines above ground is 15 years (section 44). A young person who has not completed the age of 16 years cannot be allowed to work in any part of a mine which is below ground [section 40(1)(s)].

3.82. An 'adolescent', (that is to say, a person who has completed 15 years of age but has not completed 18 years of age), is allowed to work in any part of a mine which is below ground, if he had a medical certificate from a certifying surgeon certifying that he is fit for work as adult. An adolescent to whom such certificate is given shall not, however, be employed in any mine except between the hours of 6 A.M. and 6 P.M. or shall not be employed between 10 P.M. and 5 A.M. [section 49(1) and (2)]. An adolescent who does not possess a certificate of fitness may work in mine above ground for not more than four-and-a-half hours in any day, but shall not be employed between the hours of 6 P.M. and 6 A.M. (section 44).



3.83. The Act contains provisions for the medical examination of adolescents at intervals of not less than 12 months (section 41). No "child" (*i.e.*, a person who has not completed his 15 years of age) shall be employed in any mine nor shall any such child be allowed to be present in any part of a mine, which is below ground or in any open cast working in which any mining operation is being carried on [section 45(2)].

3.84. The Act contains provisions for the medical examination of adolescents at interval of child shall be allowed to be present in any part of a mine above ground where any operation connected with, or incidental to, any mining operation is being carried on [section 45(2)]. An employer contravening the provisions of the Act is punishable with imprisonment upto 3 months or with fine upto one thousand rupees or with both (section 73). A person using a false certificate of fitness is punishable with imprisonment for a term which may extend to one month or with fine which may extend to two thousand rupees or with both (section 65).

3.85. Double employment of young persons is also punishable, unless it appears to the court that the child<sup>1</sup> or adolescent was so employed without the consent or connivance of his parent, guardian or the person who has the custody of such child or adolescent (section 68).

(vii) *THE MERCHANT SHIPPING ACT, 1958 (44 OF 1958)*

3.86. This Act is the principal legislative measure dealing with merchant shipping. Sections 109 to 113 of the Act deal with the employment of "young persons", that is to say, persons who are under eighteen years of age.

3.87. No person under fifteen years of age shall be engaged or carried to sea to work in any capacity in any ship, except—

- (a) in a School Ship, or training Ship, in accordance with the prescribed conditions; or
- (b) in a Ship in which all persons employed are members of one family; or
- (c) in a home-trade Ship of less than two hundred tons gross; or
- (d) where such person is to be employed on nominal wages and will be in the charge of his father or other adult near male relatives (section 109).

Save as otherwise provided in sub-section (2) and (3), no young person shall be engaged or carried to sea to work as a trimmer or stocker in any ship [section 110(i)]

3.88. The provisions of sub-section (i) of section 110 shall not apply—

- (a) to any work of trimming or stocking done by a young person in a school ship or training ship in accordance with the prescribed conditions; or
- (b) to any work of trimming or stocking done by a young person in a ship which is mainly propelled otherwise than by steam; or
- (c) to the engagement or carrying to sea of a person over sixteen years of age to work as a trimmer or stocker on a coasting ship, provided he is employed in accordance with the prescribed conditions [section 110(2)].

3.89. Where in any port, a trimmer or stocker is required for any ship other than a coasting ship and no person over eighteen years of age is available, two young persons over sixteen years of age may be engaged and carried to sea to do the work which would otherwise have been done by one person over eighteen years of age [section 110(3)].

3.90. Section 112 requires maintenance of a list or register of young persons in a ship where there is an agreement with the crew of such ship.

3.91. The Act empowers the Central Government to make rules prescribing—

- (a) the conditions of employment of young persons in any capacity in school ships and training ships, and the authorities by whom and the manner in which the inspection of their work shall be carried out;
- (b) the conditions of employment of young persons as trimmers or stockers in coasting ships;

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<sup>1</sup>Under Section 2(c), "child" means a person who has not completed his 15th year.

- (c) the authorities whose certificates of physical fitness shall be accepted for the purposes of section 111 ; and
- (d) the form of the register of young persons to be maintained in ships where there is no agreement with the crew [section 113(i)].

3.92. The rules prescribing conditions of employment of young persons as trimmers or stockers in coasting ships can be made after consultation with such organisations in India as the Central Government may consider to be most representative of the employers and of seamen [section 113(2)].

3.93. No young person, that is to say, a person under 18 years of age can be employed as aforesaid unless he is granted a medical certificate of fitness by the authority prescribed under the Act. A certificate of physical fitness shall remain in force for one year from the date on which it is granted. The requirement as to medical examination does not apply to a case—

- (a) where all persons employed in an establishment are members of one family ; or
- (b) on grounds of urgency (section 111).

The Act imposes a fine upto rupees fifty on any person contravening these provisions [section 436(2) read with the Table appended thereto].

(viii) *THE MOTOR TRANSPORT WORKERS ACT, 1961 (27 OF 1961)*

3.94. This Act provides for the welfare of motor transport workers and regulates the conditions of their work. It extends to the whole of India.

3.95. This Act applies to every motor transport undertaking employing 5 or more transport workers. The State Government, however, has been given power to extend all or any of the provisions of this Act, after giving not less than two months' notice of its intention so to do, to any motor transport undertaking employing less than 5 motor transport workers [section 1(4)].

3.96. A child who has not completed his 15th year shall not be required or allowed to work in any capacity in any motor transport undertaking (section 21). An adolescent, i.e., a person who has completed 15 years but not completed 18 years of age is allowed to work as a motor transport worker provided he has obtained a certificate of fitness. The certificate of fitness shall be valid for a period of 12 months from the date on which it is granted but may be renewed [section 22 and 23]. No adolescent shall be employed or required to work as a motor transport worker for more than six hours a day including rest interval of half-an-hour and between 10 p.m. and 6 a.m. (Section 14). Punishment for use of false certificate of fitness and for contravening the provisions regarding employment of motor transport workers is provided in section 30 and 31.

(ix) *THE APPRENTICES ACT, 1961 (52 OF 1961)*

3.97. This Act provides for the regulation and control of training of apprentices and for matters connected therewith and it extends to the whole of India.

3.98. The minimum age of an apprentice has been fixed as 14. A person shall not be qualified for being engaged as an apprentice to undergo apprenticeship training in any designated trade unless he—

- (a) is not less than 14 years of age ; and
- (b) satisfies such standards of education and physical fitness as may be prescribed by rules (section 3).

In the case of a minor, a contract of apprenticeship has to be entered into by the guardian with the employer (section 4).

3.99. Rule 8 of the Apprenticeship Rules, 1962, made under section 37(1) of the Act, specifies the hours of work of an apprentice.

3.100. The weekly hours of work of an apprentice, while undergoing practical training, shall be as follows :—

- (a) the total number of hours per week shall be 42 to 48 hours including the time spent on related instructions ;
- (b) apprentices undergoing basic training shall ordinarily work for 42 hours per week including the time spent on the related instructions ;
- (c) apprentices during the second year of apprenticeship shall work for 42 to 45 hours per week including time spent on related instructions ;
- (d) apprentices during the third and subsequent years of apprenticeship shall work for the same number of hours per week as the workers in trade in the establishments in which the apprentice is undergoing apprenticeship training :

Provided, however, that short-term apprentices may be engaged to work upto a limit of 48 hours per week.

3.101. No apprentice, other than a short-term apprentice, shall be engaged in such training between the hours of 10 P.M. and 6 A.M. except with the prior approval of the Apprenticeship Adviser who shall give his approval if he is satisfied that it is in the interest of the training of the apprentice or in public interest.

3.102. The qualifications to be possessed by an apprentice, the contract of apprenticeship, the period of apprenticeship training and various other matters are to be determined by the rules made under the Act in consultation with the authorities like the National Council, General Apprenticeship Council, State Council, State Apprenticeship Council, All-India Council, Regional Boards, Boards of State Council's of Technical Education, Central Apprenticeship Adviser and State Apprenticeship Adviser.

(x) *THE ATOMIC ENERGY ACT, 1962 (33 OF 1962)*

3.103. This Act provides for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith.

3.104. The Central Government has made the Radiation Protection Rules, 1971 under section 30 of the Act. Rule 5 of these rules prohibits the employment of persons below the age of 18 years as radiation workers, except with the prior permission in writing of the competent authority, that is to say, an officer or authority appointed in this behalf by the Central Government by notification under those rules.

(xi) *THE BEEDI AND CIGAR WORKERS (CONDITIONS OF EMPLOYMENT) ACT, 1966 (32 OF 1966)*

3.105. This Act provides for the welfare of the workers in beedi and cigar establishments and regulates the conditions of their work and for matters connected therewith. The Act applies to industrial premises where any manufacturing process connected with the making of beedi or cigar or both is being, or is ordinarily, carried on with or without the aid of power [section 2(f)].

3.106. The expression "employee" has been defined as including any labour who is given raw materials by an employer or a contractor for being made into beedi or cigar or both at home and any person not employed by an employer or a contractor but working with the permission of or under agreement with, the employer or contractor [section 2(f)].

3.107. The expression "private dwelling house" is defined as meaning a house in which persons engaged in the manufacture of beedi or cigar or both reside [section 2(n)].

3.108. A child who has not completed his 14 years of age shall not be required or allowed to work in any industrial premises (section 24). A young person, that is to say, a person who has completed his 14 years of age and not completed 18 years of age shall not be required or allowed to work in

any industrial premises except between 6 a.m. and 7 p.m. (section 25). Overtime work by a young person is prohibited (section 17 proviso). A young person is allowed to carry forward leave upto 40 days from the calendar year to another [section 26(4)].

3.109. The State Government has been empowered to permit wetting or cutting of tobacco leaves by employees outside the industrial premises on an application made to it by the employer on behalf of such employees [section 29(i)].

3.110. Except as provided in section 29, no employer shall require or allow any manufacturing process connected with the making of beedi or cigar or both to be carried on outside the industrial premises [section 29(3)]. This provision does not apply to any labour who is given by an employer or a contractor raw material for being made into beedi or cigar or both at home.

#### (xii) *THE SHOPS AND ESTABLISHMENTS ACT IN VARIOUS STATES AND UNION TERRITORIES*

3.111. Various State Legislatures have passed Acts regulating the conditions of work of workers in shops and establishments. These Acts apply to shops, commercial establishments, restaurants, hotels etc. and prohibit the employment of children in such establishments. The minimum age of employment is 12 years in the States of Bihar, Gujarat, Jammu and Kashmir, Karnataka, Madhya Pradesh, Manipur, Orissa, Rajasthan, Tripura, Uttar Pradesh and West Bengal and in the Union territory of Goa, Daman and Diu. The minimum age is 14 years in the States of Andhra Pradesh, Assam, Haryana, Himachal Pradesh, Meghalaya, Kerala, Tamil Nadu and Punjab and in the Union territories of Chandigarh, Delhi and Pondicherry. The minimum age is 15 years in the State of Maharashtra.

3.112. These Acts also regulate the working hours for children. They are generally from 6 a.m. to 7 p.m. though in a few cases they may extend upto 8 p.m. or even 9 p.m. The daily working hours are generally upto 5 hours though they may vary upto 7 hours.

3.113. The hours of work for young persons in Shops and Commercial establishments are 7 per day in Andhra Pradesh, Bihar, Tamil Nadu, Tripura, Pondicherry and West Bengal ; 6 per day in Gujarat, Maharashtra, Jammu and Kashmir, Uttar Pradesh and Delhi, 5 per day in Himachal Pradesh, Madhya Pradesh, Karnataka, Orissa and Punjab and 3 per day in Rajasthan.

3.114. Night work for children and young persons is also prohibited under State Laws relating to shops and commercial establishments.

3.115. The Children and young persons are allowed to work between 6 a.m. and 7 p.m. in Andhra Pradesh, Gujarat, Maharashtra, Tamil Nadu and Pondicherry, 7 a.m. to 7 p.m. in Bihar and Kerala ; 7 a.m. to 9 p.m. in Jammu and Kashmir and Madhya Pradesh, 6 a.m. to 8 p.m. in Karnataka ; 6 a.m. to 10 p.m. in Orissa and Rajasthan and 8 a.m. to 8 p.m. during winter and 7 a.m. to 9 p.m. during summer in Delhi. They cannot be employed after 8 p.m. in West Bengal and Tripura.

#### *Points of difference in various enactments*

3.116. The points of difference in the various enactments relating to employment of Child Labour were considered by the Committee under the following heads :—

- I. Minimum age of employment.
- II. Medical Examination.
- III. Working hours.
- IV. (a) Penalty for using a false certificate.  
(b) General Penalty.  
(c) Continuous Offence.
- V. Trial of offences.

### I. Minimum age of employment

3.117. The Children (Pledging of Labour) Act prohibits the making of agreements to pledge the labour of children who are under fifteen years of age.

3.118. Under the Plantations Labour Act, a child who has not completed his twelfth year cannot be required or allowed to work in any plantation (section 24).

3.119. The Employment of Children Act regulates employment of children of various age:—

- (a) Only a child who has completed his fourteenth year may be employed or permitted to work in any workshop wherein certain processes as specified in the Schedule to the Act are carried on [section 3(3)].
- (b) This requirement of minimum age limit does not apply to :—
  - (i) any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour; or
  - (ii) to any school established by, or receiving assistance or recognition from, a State Government.
- (c) A child who has not completed his fifteenth year shall not be employed or permitted to work in certain occupations [section 3(i)].
- (d) A child who has completed his fifteenth year but has not completed his seventeenth year may be employed or permitted to work in any occupation referred to in section 3(1) if the periods of work are fixed as specified in the Act [section 3(2)]. This requirement does not apply to an apprentice of a child employed for the purpose of receiving vocational training.

3.120. The Apprentices Act specifies a minimum age limit of 14 years for the purpose of undergoing apprenticeship training in any designated trade (section 3). The Beedi and Cigar Workers (Conditions of Employment) Act also specifies an age limit of 14 years as the minimum age for employment.

3.121. Under the Factories Act, a child who has completed his fourteenth year may be employed or permitted to work under certain circumstances (section 71, read with section 67). Under the same Act, a child who has completed his fourteenth year, or an "adolescent", that is to say, a person who has completed his fifteenth year but has not completed his eighteenth year, is permitted to work provided he has a certificate of fitness (section 68).

3.122. The Mines Act specifies sixteen years as the minimum age limit for a child to work below ground, but an adolescent who has completed his fifteenth year but not his eighteenth year may be employed above the ground in a mine for certain specified hours. [section 40(1)(a) and section 44]. The Act also permits an adolescent (15—18 years) to work below the ground, if he has a medical certificate to that effect [section 40(2)].

3.123. Under the Merchant Shipping Act, minimum age of employment is 18 years. However a lower age is permissible in respect of work specified in certain sections. Under the same Act a person who has completed his fifteenth year of age can be employed in certain employments (section 109). If a person of eighteen years of age is not available for certain specified work, two young persons over sixteen years of age may be engaged and carried to sea to do that work [section 110(3)].

3.124. The Motor Transport Workers Act prohibits employment of a child below 15 years.

3.125. Rule 5 of the Radiation Protection Rules made under the Atomic Energy Act prohibits the employment of a person below 18 years.

3.126. The Minimum age limit under the Shops etc. Acts is 12 years in certain areas; 14 years in other areas and 15 years in the State of Maharashtra.

### II. Medical Examination

3.127 Under the Factories Act, a certificate of fitness is required in respect of a "child" who has completed his fourteenth year and in respect of an "adolescent" that is to say, a person who has completed fifteen years but not completed eighteen years of age (sections 68 and 70).

3.128. Under the Mines Act, no certificate of fitness is required for an 'adolescent' (person who has completed fifteen years but has not completed (18 years) for working above the ground in a mine (section 44). Medical certificate is required for working below the ground in a mine [section 40(2)].

3.129. Under the Plantations Labour Act, a child who has completed twelve years, and an "adolescent" (Person who has completed 15 years but has not completed eighteen years) may work on obtaining a certificate of fitness (section 26).

3.130. Medical certificate is valid for twelve months, under the following Acts :

- (i) The Mines Act (section 41).
- (ii) The Merchant Shipping Act [section 111(3)].
- (iii) The Motor Transport Workers Act [section 23(2)].
- (iv) The Plantations Labour Act [section 27(2)].

3.131. The following Acts also provide for renewal of medical certificate.

- (i) The Mines Act,
- (ii) The Plantations Labour Act,
- (iii) The Motor Transport Workers Act.

### III. Working Hours

3.132. Under the Factories Act, a child who has completed fourteen years shall not be allowed to work in a factory for more than four-and-a-half hours on any day or during night. "Night" means a period of at least twelve consecutive hours, which shall include an interval between 10 p.m. and 6 a.m. (section 71).

3.133. The Minimum Wages (Central) Rules, 1950 made under the Minimum Wages Act also provide  $4\frac{1}{2}$  hours of work for a child (a person who has completed his fifteenth year) as the maximum (rule 24). Period of work is limited to two shifts under the same Act [section 71(2)]. Double employment is also prohibited by the Act [section 71(4)].

3.134. Under the Employment of Children Act, the period of work should be such as to allow an interval of rest for at least 12 consecutive hours, which shall include at least 7 consecutive hours between 10 p.m. and 7 a.m. [section 3(2)].

3.135. Under the Mines Act, an "adolescent", that is to say, a person who has completed fifteen years but has not completed eighteen years, if employed to work above the ground in a mine, shall not be allowed to work for more than four-and-a-half hours on any day or between 6 p.m. and 6 a.m. [section 44(1)].

3.136. The Motor Transport Workers Act prohibits as regards adolescents (persons who have completed their fifteenth year), work for more than six hours a day, including rest interval of half-an-hour, and prohibits work between 10 p.m. and 6 a.m. (section 14).

3.137. The rules made under the Apprenticeship Act prohibit employment of apprentices between 10 p.m. to 6 a.m.

3.138. The Beedi and Cigar Workers (Conditions of Employment) Act prohibits the work by young person (a person who has completed his fourteen years of age but has not completed eighteen years of age) during night, i.e. between 7 a.m. to 6 a.m. (section 25). This Act also prohibits employing a young person from working overtime (section 17—proviso).

3.139. Under the Plantations Labour Act, a child above twelve years of age, or an adolescent (a person who has completed his fifteenth year but has not completed his eighteenth year), shall not be required to work for more than 40 hours a week (section 19).

3.140. The Shops and Commercial Establishments Acts in force in various States contain provisions, prohibiting employment of child during night. The hours that constitute "night" have been specified differently in different states.

#### IV. (a) *Penalty for using a False Certificate*

3.141. For using a false certificate, the Factories Act and the Motor Transport Workers Act provide for imprisonment upto one month or fine which may extend to rupees fifty or both.

3.142. In the Mines Act, a fine for such an offence is specified as rupees two hundred (section 65).

#### IV. (b) *General Penalty*

3.143. Under most central Acts concerned with Child Labour, a person contravening the provisions of a particular Act is punishable with imprisonment, or with fine, or with both. However the period of imprisonment or the quantum of fine varies.

3.144. The period of imprisonment (maximum) is three months in the Factories Act (section 92), the Plantations Labour Act (section 36), and the Mines Act (section 67).

3.145. Under the Minimum Wages Act (section 22) and the Apprentices Act (section 30), the maximum period is six months. As regards fine, the maximum fine is Rs. 500 in the Plantations Labour Act (section 36) and the Minimum Wages Act (section 22).

Under the Mines Act (section 67), the fine can be upto Rs. 1,000. It is Rs. 2,000 in the Factories Act (section 92). In the Beedi and Cigar Workers (Conditions of Employment) Act (section 33) a fine not exceeding Rs. 250 is alone provided for a contravention. The Apprentices Act (section 30) provides for a fine without any limit.

#### IV. (c) *Continuous Offence*

3.146. Under the following two Acts a continuous offence is punishable :

- (i) The Motor Transport Workers Act (section 31).
- (ii) The Beedi and Cigar Workers (Conditions of Employment) Act, (section 33)).

#### V. *Trial of Offences*

3.147. The Factories Act confers powers, among others, on the magistrates of the first class, for taking cognizance of offences. The Plantations Labour Act confers powers, among others, on a magistrate of the second class, for taking cognizance of offences. The other Acts do not contain any specific provision as to trial of offences.

#### *Need for a Single Model Legislation*

3.148. As would be seen from the aforesaid details, the existing legal framework for employment of children in India is rather dispersed and patchy. This has been one of the prime reasons for a missing focus in the efforts which have so far been made to regulate the employment of children in some of the sectors of economic activity. As would be pointed out in subsequent discussions, some of the laws also suffer from certain internal contradictions. The Committee was unable to locate in most cases, the precise rationale for the varying definitions of the 'child' for purposes of employment. In fact it noticed variations in the adoption of the same Act by different State Governments. The reference to employment of children in many of these enactments is so much mixed up in the quagmire of other matters and requirements that the kind of emphasis which is intended in respect of children is more or less lost. The feeling was considerably reinforced amongst the members of the Committee, when they wanted to procure data in respect of implementation of the specific provisions relating to children from the State Governments. In most cases this data was not forthcoming. There was hardly any administrative made available of any prosecution having been made for violation of the provisions in Acts relating to employment of children. The annual reports relating to administration of such laws also contained hardly any mention about this aspect.

3.149. Considering the situation, the Committee is strongly of the view that there is a paramount need for an urgent action on the part of the Government to bring the law relating to employment of children into a proper focus. To avoid any ambiguity in respect of the basic objectives in this

direction, it will be necessary to consolidate the existing laws relating to prohibition and regulation of employment of children into a single comprehensive one. The new legislation should adopt uniform definitions of the expressions of 'child' and 'adolescent' and prescribe the 'hours of work', 'conditions of work' etc. The new law should also have flexibility of extending gradually the provisions contained therein to other occupations, such as, mechanised agriculture, horticulture, forestry, fisheries, etc.

3.150. Of all the existing Acts, the Employment of Children Act, 1938, enjoys a comparatively pre-eminent position. The Committee feels that the structure of the Act could be easily rationalised to provide for a clearer enunciation of the over-all intention of the Government in respect of employment of children. It should be model and uniform legislation for giving protection to child labour as a class. A schedule of industries could be added to it to which it can be made applicable by the appropriate authority which is either Central or State Government, so as to have sufficient flexibility in the application of the Act to industry or a branch of industry or to any employment. Here the word industry is not used in its ordinary sense but to cover all types of occupations where the employer-employee relationship exists.

3.151. The recent trend in the labour legislation today is towards uniformity. The problem had been dealt with in detail by the National Labour Commission under the Chairmanship of Dr. P. B. Gajendragadkar, former Chief Justice of India., which submitted its report on 20th August, 1969. This Commission had appointed a study group to examine all the legislation in the country and the possibility of introducing a measure of uniformity in definitions and standards. The relevant observations of this Group on this aspect were as follows :—

“There are on the Statute book about 108 enactments, both Central and State. Inevitably, the necessity to legislate with speed, both in the Centre and State, had led to prolixity and repetitiveness in legislation. However, out of this mosaic pattern of Indian legislation, uniform standards must be evolved and incorporated into an all-India Code without detriment, either to the national interest or the interests of the working class, and at the same time safeguarding the gains made by labour and also standardising terms and conditions of service in the interest of production and economic growth.”

“Any social law to be effective should not only be broad based and pervasive but should be simple and direct so that it could be understood and respected, and, therefore, accepted by the masses it seeks to govern. Its implementation should be easy so that the benefits could flow speedily and the access to the law should be inexpensive so that to the person denied or aggrieved the law is a reality as well as a true instrument of relief.”

The Group further stated that objectives to be achieved in uniform code should be :

- (i) a single set of definitions of the basic terms such as workman, employer, industry wages and other significant terms ;
- (ii) uniformity in the application of procedures and in the actual benefits to labour; and
- (iii) reduction in the multiplicity of administrative authorities and procedures now operating with little coordination, resulting at times in duplication of effort.”

The Commission had accordingly suggested integration of labour laws which covered subjects having a common objective.

#### *Definition of Child*

3.152. Of the ten major Acts which include provisions relating to employment of children, 5 have defined the 'child' as below 15 years of age, 3 provide for the age of 14, one provides the age between 12 and 14 and another that of 12. The Committee, as mentioned earlier, is unable to understand the rationale behind stipulating such variations in age.

3.153. The country is at the moment facing heavy unemployment of adult population. In fact, the ranks of the unemployed are substantially increasing every year. There is a paradoxical situation in which children on account of certain factors of exploitability are being given employment while the ranks of unemployed adults are rapidly swelling up. The standards of nutrition too over the years have gone down considerably. Many of the children who take to work at an early age suffer



badly from mal-nutrition. Giving a licence to their employment from young age aggravates adversely their further well being. At present, under the Shops and Establishments Acts a child below 14 may be employed in some of the States. The statute no doubt indicates the number of hours for which the child should be working. In actual practice, the Committee has observed that in many such establishments a child begins his work before the break of dawn and continues to be on the grind till late in the evening. There is apparently considerable difficulty in the enforcement of the provisions relating to the working hours of the children. In the circumstances, such employment obviously carried with it a considerable element of hazard in respect of the working child.

3.154. The Committee has also considered the aspect relating to free and compulsory education of all children upto the age of 14. It feels that action in this direction needs to be stepped up seriously. The effect of overall illiteracy in the country on production and development is being increasingly recognised. An illiterate worker has considerable handicap in improving his lot for the future. His employment very often leaves him no option except to continue the drudgery of some occupation throughout his life time. The State has also recognised for long that certain minimum educational qualifications are necessary for the employment of an individual for a job at every level. There is no reason why such objective considerations should not be emulated also in the regulated employment in general. The minimum educational qualification should be a pass in the Eighth Standard or its equivalent. The Committee recognises that on account of various factors operating at present it may not be possible to achieve immediately this objective in all regulated employment. But, it feels that the objective is a laudable one, and efforts should be made to encourage action in this direction during the next five years and thereafter to regulate completely such a requirement by law.

3.155. The Committee also has the benefit of examining a note prepared by the Government in respect of the international trends on the question of child labour and the Government's position thereon. The I.L.O. has evolved number of conventions and recommendations relating to child labour. The Committee also had the benefit of looking into some of the country reports prepared by this Organisation on the actual state of affairs relating to working children.

3.156. Keeping in view all factors, such as, proper and mature growth of a child, the need for encouraging seven to eight years of formal schooling in him, enabling him to become an enlightened and responsible workers, offering to him a suitable and healthy outlook for the future and the various considerations relating to availability of employment opportunities in the country, the Committee is firmly of the view that there should be a uniform definition of 'child' for all legislation relating to employment of children, and a 'child' should be construed as a person below 15 years of age. In simple terms, the Committee feels that the minimum age for employment for entry to any employment should be 15. The existing legislation should be appropriately amended to leave no doubt in this regard and this objective should also be kept in view in respect of regulation of employment of children in other sectors in future as well.

#### *Adolescents*

3.157. The next category which requires consideration is that of 'adolescents' or young persons who are being employed within the permissible limits of age under the various provisions in different legislation. The Factories Act of 1948 in section 2 defines adolescents, child and young persons separately. It has defined 'child' as a person who has not completed his fifteenth year of age. 'Adolescent' has been defined as a person who has completed his 18th year. 'Young' person is defined as a person who is either a child or adolescent. The Act also gives the definition of adult, who has been defined, as a person who has completed his eighteenth year of age. Employment of young persons has been specifically dealt with in Chapter VII of the Act. Under section 67 of the Act, it is provided that no child who has not completed his fourteenth year shall be required or allowed to work in any factory. Under section 68, it has been provided that a child who has completed his fourteenth year of age or an adolescent shall not be required or allowed to work in any factory unless a certificate of fitness is issued by the Competent Medical Authority like Civil Surgeon, etc. However, section 71 of this Act provides that no child shall be employed in a factory for more than four and half hours or during the night. This seems to contradict section 68 of the Act. It is not

clear what will happen in the case of children who have completed the age of 14 but have not completed the age of 15. This Chapter also provides for a number of obligations to be carried out by an employer in respect of employing young persons, such as notice of period of work for children, register of child workers hours of work, medical examination, etc. Under the Mines Act, 1952 child has been defined as a person who has not completed his fifteenth year, adolescent as a person who has completed his fifteenth year but has not completed eighteenth and adult as a person who has completed his eighteenth. Under section 45, there is prohibition on employment of children in areas where mining operation is carried on or in underground mines. Under section 44, adolescents are allowed to work on certain conditions and for limited hours. This Act does not give any definition of young persons. There are also restrictions on employment of adolescents under section 3, sub-section (2) of the Employment of Children Act, 1938. Similar provisions are there in the Motor Transport Workers Act, the Plantations Labour Act, etc. As mentioned earlier, the Committee would seriously urge such incongruities in different Acts have little qualification, and these must be removed. The Committee recommends that the young persons should be defined only in two categories namely the 'child' as a person who has not completed 15 years of age, and the 'adolescent' as one between the age of 15 to 18. The Committee is of the opinion that there should be two categories in the legislation for child labour defining child and adolescents. In view of our recommendations for uniform minimum age as 15, the age for the adolescents should be from 15 to 18.

#### *Inadequate Enforcement*

3.158. The enactment of a law is only a first step. What is really important is its enforcement. In the course of its spot inspections and discussions, the Committee got a clear impression of several inadequacies in the existing administrative set up for the implementation of various laws. The jurisdiction of individual inspectors was too extensive for them to keep a regular watch on the activities within their purview. In several States one inspector was required to cover a group of several districts. He was also burdened with very wide ranging other responsibilities pertaining to labour legislation. The results of this situation were apparent. There were practically no prosecutions in most parts of the country of any violation of existing laws pertaining to child labour. In one of the States it was pointed out with pride that the first prosecution ever launched by them was only in the International Year of the Child. The Committee itself during spot inspections noticed children of very tender age working in certain factory premises in total disregard of the statutory provisions. In the course of the discussions with different interests, including officials of labour department, it was pointed out that the entire situation was being overlooked because of certain inherent factors. There was, in fact, a vicious circle. The Labour Inspector, whenever he got a chance to book any violation, had difficulties in collecting evidence for proper prosecution. The fact of employment of a child against law was denied both by the employer and the parents of the children. Social acquiescence in the existing conditions also made it difficult to enlist support of other independent witnesses. A general sympathy was prevalent amongst people towards any one employed. It was also argued that if the child was not so employed he would really be on the streets and thus become a more dangerous hazard for the community at large. By keeping the child occupied, he was kept away from becoming a vagabond. Some also argued that since the parents also were involved in occupations, it was not possible for the child to be left all by himself in the house and the parents, therefore, preferred to make the child work in some establishments. Some even took the view that the environment in which the child was working distinctly better than the environment in which he lives and that, therefore, discouraging him from such a situation was not being helpful to him.

3.159. The Committee recognises the many factors in the existing situation which impel parents to send their children for work. At the same time it feels, that the conscious and effective enforcement of law is necessary particularly in areas and sectors where the position is endemic. There is no doubt that in a situation which is germane with many human problems, the task of enforcement cannot be entirely handled by the Government machinery. There is need for greater involvement of the society at large as well. This is possible if the work of the enforcement machinery is duly linked up with that of the voluntary organisations and trade unions. The question of proper motivation of parents and of providing certain general facilities for improving the environment could be handled by

such organisations. It is necessary that certain powers to assist the enforcement of legislative provisions should be available to these bodies. The Government could have the discretion to identify such bodies and involve them for the channalisation of their social programmes for children. Once such bodies are identified and recognised their association with the enforcement machinery could also be brought about. The Committee would, therefore, strongly urge that serious attention be given towards strengthening the existing machinery for enforcement of legislation relating to employment of children and the due recognition should also be given in this regard to the role of voluntary agencies and trade unions.

3.160. The Committee has also been concerned with the fact that there are no organised forums presently available for the working children to espous their cause. They do not have any formal strength for collective bargaining. They are also not covered by the existing provisions relating to formation of trade unions. In discussions with the representatives of trade unions, the Committee got the impression that some thinking in this regard was taking place amongst them. Several trade unions were getting increasingly concerned about the problem of children and were also keen to see certain changes in the existing set up to bring this important sector within their purview. A feeling was also reflected that the Government should initiate a dialogue with the trade unions in this regard so that some institutional frame work could be evolved for ensuring collective bargaining in respect of working children.

3.161. The Committee also noticed that the punishments provided in the existing statutes as penalty for violation of Acts were very meagre and therefore had no deterrent effect. As has been pointed out earlier, the number of prosecutions for violations of Acts relating to children are very few and even in the few cases which are taken up for prosecution, the convictions and only with very petty fines. In certain area, where large number of children are employed in violation of the Act and there is wide spread criticism relating to the situation, the Committee was given a feeling that a few nominal prosecutions were made periodically only to assuage the general sensitivity of the people to the situation. But in all such prosecutions, the accused were let off with very petty fines. This kind of situation clearly makes a mockery of law. The Committee feels that the penalty provided in the existing laws for violation of the provisions relating to child labour should be punishment with imprisonment which may extend to one year or with fine extending to Rs. 2000, or with both. The penalty should be confined only to imprisonment upto two years, in the case of second offence. Unless the penalties of the second or continuing offence are made more stringent and deterrent, it would be extremely difficult to bring about any improvement in the existing apathy towards the sanctity of law.

#### *Advisory Boards*

3.162. The Committee is of the view that at present there is no systematic institutional frame work both at the Centre and State levels, to keep a constant review of the problems connected with working children. There is a need for a steady feed-back, and a conscious decision making on a continuing basis. The existing legal framework covers a comparatively limited sphere. The major areas like traditional workshops, quasi-family undertaking, petty commerce, street traders and agriculture are by and large excluded from regulation by law. The Committee recognises that in the existing socio-economic milieu prevailing in the country, it is difficult to have any omni-bus legislation for regulating employment of children in all sectors of economic activity. In the other words, total abolition of child labour by law for the time being is neither feasible nor possible. But at the same time, the Committee feels that it is possible to identify certain specific areas from time to time where regulation by law is immediately called for. For, instance, it is difficult at present to cover the entire agricultural sector by legislation, but there are certain activities connected with mechanised agriculture where the employment of children is paleably dangerous. The Committee noted with concern the reports about many accidents in the states of Punjab and Haryana where young persons employed to work on choppers and thrashers had lost their limbs. The extensive usage of fertilisers and pesticides and their handling by children has also become a problem to reckon with. Again in one district in Uttar Pradesh, children are employed in large numbers to prepare combinations of dry colours. It was pointed out to the Committee that some of the chemicals used in the process were extremely detrimental to their health. The Committee also noticed young children being employed

to lubricate moving road rollers in the construction of roads by the public authorities. In several small workshops, children were seen handling acids and inflammable gases to repair batteries or to handle electroplating and welding works. They were also noticed working extensively in foundaries, thus exposing themselves to lot of hazards due to dust, ash and handling of molten metal. In some packaging industries, certain glues were in use which gave acute allergic conditions to young workers. Children were often seen carrying gas lanterns while accompanying wedding processions. There are numerous such instances which gave the committee the over whelming impression that a lot more was being ignored, compared to what was being regulated so far by law.

3.163. To meet the problem more effectively in future, the Committee would recommend constitution of Advisory Boards both at the Centre and at State Levels to keep a constant surveillance of the conditions of working children. These boards should have representatives of Government as well as those of voluntary organisations and trade unions. The Boards should have the powers and resources to undertake investigative studies and surveys to locate the specific areas where regulation of child labour was called for. It should also review periodically the results of the implementation of the existing legislation. A report on the working of the advisory board should be placed on the Table of the House of Parliament or of the Assembly, as the case may be.



## CHAPTER IV

### SUPPORTIVE MEASURES FOR CHILD LABOUR

#### *Removal of Poverty and Unemployment*

4.1. Poverty, undoubtedly, is the principal cause for the perpetuation of several social evils in developing society. It erodes many social sanctions and values. Child labour as an evil is also a manifestation of such circumstances. Three decades of developmental effort in India do not seem to have made any substantial dent on the volume of poverty. On the contrary, statistics are at hand to demonstrate that a larger percentage of persons today are below the poverty line than what was there two decades ago. It is true that a radical economic change is not possible within a short span of time. But at the same time it has to be recognised that certain social economic evils will have an accelerating regressive effect unless remedial measures are taken with full foresight of consequences which may follow otherwise.

4.2. The problem of poverty is inextricably linked up with the overall employment situation in the country. Millions of adults are unemployed. There is a paramount need for bringing them all into the economic fold as early as possible. Due to certain inherent factors in the existing situation, child labour is being preferred in certain sectors against adult workers. If it is possible to take all the children away from the labour market (an ideal situation in the views of the Committee for a welfare State), it might be possible to eliminate the chronic/hard core of unemployment of able bodied and willing workers available in the country between the age group of 15 to 59. The implications of such an approach may look somewhat radical, and perhaps not feasible at first sight. But the Committee would recommend to the Planning Commission to work out the feasibility of such a proposition on the basis of cost benefit analysis. The exact contribution of working children to the national economy is not all that indispensable as has been made out in the past. In most situations, children are paid extremely low wages. They also work in exploitative conditions in which their health and growth is badly affected. In the long run the social costs borne by the society are far more substantial than what it gets from the working children in economic terms. The problem certainly requires a more thorough consideration by the planner.

4.3. As long as poverty continues to exist in its present form, it will be difficult to totally eliminate child labour. Any attempt to abolish it through legal recourse will obviously be not a practical proposition. In these circumstances, the only alternative left will be ban child labour in hazardous areas and to regulate and ameliorate the conditions of work in other areas so that child labour ceases to be antithetical to growth and development.

#### *Ensuring Minimum Wages*

4.4. If parents' earnings increase, they would be less inclined to allow their children into service. The least that can be done in this respect is to rationalise the existing policy on prices and income. Due to highly inflationary trends the real wages have been becoming increasingly inadequate. Employers also often resort to subterfuges where the payment of statutory or minimum wages is not effectively complied with. In order to preserve employment, the workers too sense the situation and accept low payments made by the employers. The question of effective enforcement of the Minimum Wages Act has been emphasised in different forums in the past also. The existing machinery for enforcement is far too inadequate. It is necessary to involve much under administrative apparatus. In its report observations, this aspect was often pointed out to the Committee by the representatives of trade unions and voluntary organisations. It was stated that if minimum wages are actually paid to the workers according to statutory stipulations, their financial position would be distinctly better and many amongst them would take better care about the future of their children.

#### *Meaningful Education Policy*

4.5. Next to poverty comes the question of a meaningful and effective policy for education of children. The importance of education to children in their formative years is widely recognised. At the same time, serious doubts are raised about the usefulness of the present system of education.

There is a widespread feeling that the curriculum in schools is at present totally devoid of the actual environmental needs. It leaves most of the children at the end of some years in a blind alley. It does not prepare them for future occupations. In fact it raises amongst children aspirations and hope only for 'white-collared' jobs. The deficiencies of the system had been studied by certain expert bodies in the past. The emerging pattern, however, have been more relevant to children in cities or to those who could afford to pay for better education. There has been no remarkable change in respect of institutions which cater to the masses in rural areas. The relevance of Gandhiji's thinking in this respect needs to be seriously re-emphasised. The educational curriculum must be geared to bring the maximum of skill and competence in the child keeping in view the environment in which he is living. The Committee would wish to illustrate this point with a few specific examples. During its visit to Shantipur in West Bengal where there is a heavy concentration of cotton handloom industry, and the State has set up a developmental organisation in the area to assist in the marketing and development of handloom products, the educational institutions in the vicinity have nothing in their curriculum to instruct the children about the intricacies of the basic craft of the area. Likewise, in the Badohi area of Varnasi District in Uttar Pradesh, there is a heavy concentration of carpet weavers. Many children are employed in this industry. Again, the educational institutions in the area have nothing in the curriculum to give children better insight into the working of this industry. Gandhiji's principal ideas to make the local fact as the local point for general education as well. The Committee strongly feels that further efforts need not to be directed to integrate the educational requirements in keeping the ideas of basic education in view. The development agencies responsible for promoting the industry could also assist substantially in this regard. It would not suffice to leave the responsibility of education in these areas entirely in the hands of the Education Department. As a matter of policy the areas in which there is concentration of child workers in any particular sector should be identified. The education curriculum for each area should be drawn up keeping in view the basic requirements of the environment. This would also require a definite orientation towards greater decentralisation in respect of implementation of education programmes. The Committee feels that the present craze for uniformity in the educational coverage needs to be toned down. The Government should encourage greater innovative participation in this field of voluntary agencies also.

4.6. Apart from the qualitative change in the curriculum of education, action is also called for to make certain adjustments in the schedule of vacations. It is well-known that at the time of sowing and harvesting the farmers require maximum help. The children also get drafted to assist the family or to earn wages, during this period. If the schools are not in vacation at this time, the children are compelled to miss their classes. In many cases due to this intermittent absence which is unavoidable, the children eventually drop out from the schools. In some States, efforts have been made to make the vacations coterminous with seasonal agricultural requirements. The system needs to be adopted on a nation-wide basis.

4.7. There is a high percentage of drop-outs amongst girls in the rural areas since from a very young age they are inducted to help the mother in their household chores. Very often they are also made to look after their younger brothers and sisters. The only way in which such girls could be helped is to provide some institutional arrangements in the schooling system itself of creches for young children. The girls could bring their younger brother and sisters to the school-cum-creche and also attend their classes. The community would readily respond to meeting such requirements of the young siblings.

4.8. The Committee also feels that the arrangements for non-formal education to working children are highly inadequate at present. Facilities of night schools are not available widely. Institutions of this nature are extremely necessary in areas in which there is a large concentration of working children. If night schools are properly run in these areas, there would be adequate patronage for those.

4.9. At present, there is no statutory provision for providing educational facilities for child workers under labour laws excepts for the Plantations Labour Act. Even under this Act, the coverage so far is not very extensive. In the earlier analysis, it has been recommended that a conscious effort is necessary to see that the children who get employed in a regulated sector attain first certain mini-

imum educational qualifications. As has also been pointed out such a requirement is in force in most of the employment in governmental organisations. Action in this regard needs to be phased out over the next five years with the overall objective of prescribing certain minimum educational qualifications for employment in regulated sectors. In the intervening period, the employers should be urged to include education as one of the necessary ingredients of labour welfare measures in their establishment. It would also be worthwhile in the view of the Committee, to impose a cess on industry to raise funds for this purpose; or alternatively to allow concessions in taxes etc. to employers who undertake to implement educational schemes for the dependents of their workers.

#### *Medical and Health Support*

4.10. The formative years of the child, if exposed to unhygienic conditions, are bound to retard his natural, physical, emotional and mental development. In order to ensure good health of working children a system should be evolved so that every child worker is periodically checked. In the organised industries health checking could be made compulsory by enacting proper laws wherever it is not available. In the case of unorganised sectors, particularly in agriculture, this could be linked with the National Health Scheme.

4.11. A drive to keep the working environment hygienically free from smoke, dust etc. and to provide airy working place particularly for Child workers should be attempted. They should also be provided with facilities to keep themselves neat and clean.

#### *Nutrition*

4.12. The Committee would also urge that some serious thinking be done to work out schemes to provide supplementary nutrition to working children. In the case of organised sectors, this could be accomplished in cooperation with the employers. They could be persuaded to provide nutrition to child workers at subsidised rates, if not free of cost. In the rural areas also, the existing food supplementation programme should be extended to cover working children as well.

#### *Housing Facilities*

4.13. Housing is one of the very important welfare measures necessary for the improvement of health and efficiency of the workers. This is all the more important in the case of child workers who should be properly housed to grow up as healthy citizens and contribute to the economic prosperity of the country. Lack of proper housing facilities lead not only to the impairment of the healthy growth of children but also drag them to join the group of undesirable elements leading to delinquent behaviour. At present most of the child workers stay with their parents in unhealthy conditions devoid of arrangements for sanitation, water supply, lighting arrangements, etc. resulting in their unhealthy development.

4.14. Efforts should therefore be made to provide housing facilities with necessary basic amenities both in the organised and unorganised sectors particularly in those areas having predominant population of child workers. Attempts should also be made to provide library and reading facilities to the working children which they can make use of in their leisure time. This could be linked to the special educational system suggested for working children. Coaching classes suggested under that system could also be organised in labour colonies where there is a large number of child workers.

#### *Recreation and Cultural activities*

4.15. A change in the routine will always help to provide extra mental energy for undertaking further activity. Workers in general, particularly the child workers, do need some change after their day's monotonous toil. If facilities for recreation and cultural activities are provided either at the place of work or at the place of residence, the workers can take advantage of these facilities and rejuvenate themselves. This will help in keeping the workers fresh and thereby increase their efficiency leading to better production. For child workers this will also help stopping children to drift towards delinquency. Social welfare agencies such as the children Aid Society, Bombay, Bal Sah-yog, New Delhi and Official Organisations like the Juvenile Aid Police Unit, Bombay have attempted this system with good results. There may be others who have also been doing similar activities. This could also be integrated with a counselling programme for providing guidance to the working

children. Details and modalities of organising such a programme in cooperation with voluntary agencies and employers could be worked out by the Ministry of labour in consultation with the Ministry of Social Welfare.

#### *Family Planning*

4.16. One of the other supportive measures which could be adopted under health is the extension of family planning. It is often found that large families exist in poorer section of societies who are unable to bear the burden of a large number of dependents and therefore initiate them into the force very early. This increases the number of working children to large proportions and therefore, a well organised family planning programme both in the organised as well as in the un-organised sectors are bound to pay great dividends in the years to come.

#### *Apprenticeship and vocational facilities*

4.17. The Committee has also considered the effectiveness of the Apprentices Act, which is operating at present. The Act has failed to fulfil the objectives, and apprenticeship offers no guarantee of an assured employment at the end of it. In fact in most cases, the apprentices are unable to get employed in the organisation in which they have been trained. On the other hand, the informal apprenticeship taken in smaller establishments appears to have great acceptability. It is necessary to study more closely the possibility of providing certain incentives to individuals rather than to organisations for taking up informal apprenticeship. This scheme can work more effectively if attention is also paid simultaneously to establish and strengthen a wide net work for providing vocational guidance. In fact the problems of children and adolescents in this sphere require a completely different treatment from that of adult workers. The Committee feels that to begin with in certain selective pockets separate employment bureaus should be established to channelise the needs of such workers.

4.18. The Committee has also noted the scheme launched by the Ministry of Rural Reconstruction for Training of Rural Youth in self-employment, in different sectors such as agriculture, animal husbandry and rural Industries. No details were, however, made available to the Committee regarding the actual achievement of this scheme. The Committee, however, feels that if such a scheme is implemented with zeal and resources it could contribute richly to improve the existing situation.

4.19. The Committee has also noted with interest a scheme sponsored by the Ministry of Social Welfare for assisting voluntary organisations for the welfare of children in need of care and protection. This is also a sound one and needs to be extended more widely.

#### *Health hazards*

4.20. The Committee also feels that arrangements are lacking at present for identifying hazardous occupations detecting occupational diseases, and for the treatment of the same. The Ministry of Health was unable to provide any data about any special studies being made in any part of the country in this regard. This area of research requires very serious consideration.

#### *Role of media*

4.21. The Committee has tried to identify some of the important supportive measures which merit immediate consideration. It is conscious of the fact that most of these measures would entail substantial financial expenditure and could be effectively implemented only if adequate priority is given in the allocations of funds and resources for tackling the problem of working children. There is also a paramount need for mobilisation of public sensitivity towards the immenseness of the task. Evils of child labour have so far been given only a lip-service. The community has yet to feel its shocking implications on the national development in the long run. There is need for the publicity media to play a more meaningful part in this direction. The Committee wanted to obtain from the Ministry of Information and Broadcasting, the details of any plan on their part to bring about greater social consciousness on the evil of child labour. Though certain sporadic efforts are being made there is no conscious planning so far in this regard. The Committee feels that this aspect requires a more thinking, and action, in future.



## CHAPTER V

### *SUMMARY OF THE RECOMMENDATIONS*

5.1. The Committee would wish to underline that all future action in respect of child labour would depend very much on how intensively occupations in which children are employed are studied and remedial action determined thereafter. Accordingly it recommends more studies to be sponsored in this regard to gather information and data about working children and their working conditions. This task should be spear-headed by the Ministry of Labour which should have an appropriate cell to sponsor such studies in consultation with the Department of Social Welfare, and other concerned Ministries, and to coordinate further action (paras 1, 21, 1.22 and 2.7).

5.2. The Committee recognises that a multiple policy approach is necessary in dealing with the problems of working children. They have to be seen distinctly in the categories of wage earning employment; as paid family workers; as apprentices intraditional to crafts and as working and schooling. Each specific category has its own peculiar problems which need to be attended to comprehensively (para 2.16.)

5.3. The Committee recommends constitution of Advisory Boards both at the Central and at State levels to keep a constant surveillance on the problems of working children. These Boards should have representatives of Government as well as those of voluntary organisations and trade unions. The Boards should have the powers and resources to undertake investigative studies and surveys to locate the specific areas where regulation of child labour is called for. It should also review periodically the results of the implementation of the existing legislation and a report on the working of the advisory boards should be placed on the Table of the House of Parliament or Assembly, as the case may be (para 3.163).

5.4. The Committee is of the view that the minimum age should be prescribed for the children for entering any employment. It accordingly recommends that the minimum age for entry into any employment should be 15 years and that the existing laws which prescribe an age lower than this should be suitably amended. Correspondingly, the age for adolescents should be specified as between 15 and 18 years (para 3.156 and 3.157).

5.5. The Committee is strongly of the view that there is a paramount need for an urgent action on the part of the Government to bring into a proper focus the laws relating to employment of children. To avoid any ambiguity in respect of the basic objectives, the Committee recommends that the existing laws relating to prohibition and regulation of employment of children should be consolidated into a single comprehensive one. The new legislation should adopt uniform definitions of the expressions of 'Child' and adolescent and prescribe the 'hours' of 'work', 'conditions of work' etc. The new law should also have flexibility of extending gradually the provisions contained therein to other occupations, such as, mechanised agriculture, horticulture, forestry, fisheries, etc. (para 4.149).

5.6. The Committee recommends that concerted steps be taken within five years to achieve the objective of providing minimum educational qualification, say eight standard or equivalent for entry into any regulated employment (paras 3.154 and 4).

5.7. The Committee strongly urges that serious attention be given towards strengthening the existing machinery for enforcement of legislation relating to employment of children and that due recognition should also be given in this regard to the role of voluntary agencies and trade union (para 3.159).

5.8. The Committee recommends to the Government to initiate dialogue with the trade unions at an early date so that some institutional framework could be evolved for ensuring collective bargaining in respect of the needs of working children. (Para 3.160).

5.9. The Committee recommends that the penalty provided in the existing laws for violation of provisions relating to child labour should be made more deterrent. The punishment for the first offence should be imprisonment which may extend to one year or fine extending to Rs. 2,000, or both. In the case of second or continuing offence, the penalty should be only imprisonment and that, too upto two years (para 3.161).

5.10. The Committee recommends to the Planning Commission to work out the feasibility of taking away all children below the age of 15 years from the labour market in order to find employment for the unemployed able-bodied persons between the age group of 15 and 59 in the country, and to work out a cost benefit analysis of this proposition (para 4.2).

5.11. While accelerated efforts are necessary in national planning to improve the earnings of adult workers, the Committee feels that stricter enforcement of the Minimum Wages Act needs to be ensured. In this regard greater participation should be sought of the entire administrative machinery (para 4.4).

5.12. The Committee feels that a more meaningful and effective educational policy is called for to take into account the following—

- (a) change of curriculum and integration of educational requirements with local crafts;
- (b) greater involvement of voluntary agencies;
- (c) changes and adjustments in the schedule of vacations and holidays to coincide with environmental requirements (paras 4.5 and 4.6).

5.13. The Committee would also underline more comprehensive statutory provisions for providing educational facilities for child workers and to include education as a part of labour welfare measures to be adopted by employers. It recommends arrangements for non-formal education in areas where there is concentration of working children (paras 4.9 and 4.8).

5.14. The Committee recommends that in rural areas, creches/child-care centres should be established at the school premises, or at the community centres, so as to encourage girls who have to take care of young siblings in the family to attend schools. This arrangement would also be of great help to working parents (para 4.7).

5.15. The Committee underlines the needs for periodical medical check-ups to be linked with national health scheme in respect of child workers (para 4.10).

5.16. The Committee feels that constant attention needs to be paid to keep the working environment hygienically free especially in places where children are employed (para 4.11).

5.17. Supplementary nutrition is to be provided to working children by the employers who could be given suitable subsidy for this programme. The possibility of imposing a cess, or alternatively to allow concessions in taxes, etc. to employers who undertake to implement the schemes as envisaged above, and other welfare schemes, needs to be considered seriously (paras 4.12 and 4.9).

5.18. Greater emphasis is needed on housing schemes and provisions of basic amenities in areas in which large number of children are working (para 4.13).

5.19. More library and reading facilities linked with special teaching classes for working children need to be established in selective areas. (para 4.14).

5.20. Arrangements for recreational and cultural activities should be provided in areas in which there are large number of working children; (para 4.15).

5.21. The Committee recommends effective enforcement of the Apprentices Act and the setting up of separate vocational guidance clinics and employment bureaus for children (para 4.17).

5.22. The Committee also underlines the need for a more systematic effort for identification of hazardous occupations, and for detecting occupational diseases and their treatment. There are several areas, both in the organised and unorganised sectors where children are exposed to serious hazards, but no efforts have so far been made to regulate their employment (paras 3.162 and 4.20).

5.23. The Committee recommends a more purposeful effort on the part of the media to create greater social consciousness in respect of evils of child labour (para 4.21).

We hereby submit the above Report to the Government of India for their consideration :

(M. S. GURUPADASWAMY)<sup>1</sup>

Chairman

Sd./-  
(S. W. DHABE)

(MARGARET ALVA)<sup>5</sup>

(KAMALA BAHUGUNA)<sup>3</sup>

(M. KHANDEKAR)<sup>5</sup>

Sd./-  
(MUSAFIR SINGH)

Sd./-  
(RAM K. VEPA)

Sd./-  
(M. M. RAJENDRAN)

Sd./-  
(G. L. BAILUR)

Sd./-  
(V. S. BHASHYAM)<sup>3</sup>

Sd./-  
(R. THAMARAJAKSHI)<sup>4</sup>

Sd./-  
(K. SRINIVASAN)

(P. V. BHATT)<sup>5</sup>

Sd./-  
(SARAN PRASAD)

Sd./-  
(MADAV SINHA)

Sd./-  
(V. P. SAWHNEY)  
Member-Secretary  
29-12-1979.

<sup>1</sup>Shri M. S. Gurupadaswamy, resigned as Chairman of the Committee on 28-11-79. Prior to his resignation, he had approved of the contents and substance of the draft report and recommendations.

<sup>2</sup>Mrs. Kamala Bahuguna, did not attend any meeting of the Committee nor participated in its other deliberations.

<sup>3</sup>Mr. B. S. Bhashyam : After his superannuation on 30-11-79, he ceased to be a member of the Committee. He, however, continued thereafter to assist the Committee as a consultant.

<sup>4</sup>Dr. (Mrs.) R. Thamarajakshi was nominated as a member of the Committee after the superannuation of Shri M.V. S. Rao on 30-9-79. Shri M.V.S. Rao was earlier representing Planning Commission before his superannuation.

<sup>5</sup>Have conveyed their acceptance to the Report.

**NOTE OF DISSENT BY DR. RAM K. VEPA, DEVELOPMENT COMMISSIONER,  
SMALL SCALE INDUSTRIES**

I do not agree with the recommendation being made that the minimum statutory age for working children in any occupation should be fixed at 15 years. My reasons for disagreeing with the recommendation are as follows :

- (1) Article 24 of the Constitution prescribes that "no child below the age of 14 years shall be employed in any factory or mine or be engaged in any other hazardous employment". While the words 'hazardous employment' have not been specifically defined, it is obvious that what is implied is that in an occupation which endangers the safety and health of the children, 14 should be the minimum age. It would, therefore, be ambiguous if a recommendation is made making 15 as minimum limit for all occupations, both hazardous and non-hazardous.
- (2) In a number of statutes, the minimum age prescribed is less than 14 years. Thus, in Plantations Labour Act as well as in Shops and Establishments Act, it has been specified that the minimum age could be 12. Presumably, this is based on the rationale that these occupations are not such as to adversely impair the health of the children.
- (3) It has been argued that the ILO has prescribed a minimum age of 15 to be adopted by all the member States. While these are general recommendations made by the ILO on a global basis, each country would have to look into its own specific social and economic characteristics to determine the minimum age.
- (4) At present there is no statute which prescribes a minimum age for occupations not specifically listed under any one of the Acts. Thus, it is possible (and in fact, does happen) that children even below the age of 10 years re-employed in various occupations such as for domestic help. According to an enquiry conducted by the ILO itself, 24.7 per cent of the children begin work between the ages of 6—9, 49.4 per cent between 10—12 years and 26.9 per cent between 13—15 years. Thus, nearly three-fourth of the working children are 12 years or below. It would, therefore, seem more desirable to first restrict the employment of children of a very tender age, such as 12 years, rather than raise the minimum age to 15 years which at the present moment may be somewhat impractical.
- (5) It is widely recognised that the real reason for employing child labour is an economic one and unless this problem is satisfactorily resolved, merely passing a statute, however desirable it might be cannot be implemented. It may, therefore, be more realistic to make a recommendation which can be implemented rather than one which looks good on paper but which will remain a dead letter.
- (6) Another important aspect of the problem is the educational system obtaining in the country. The Constitution has prescribed free and compulsory primary education upto the age of 14 years. In actual practice, however, it is seen that not more than 50 per cent of children between the age of 11—14 are actually receiving full-time compulsory education. Even if primary education were made compulsory, the age at which most children would go out of primary schools would be around 11 years. There is thus no inherent dichotomy between the constitutional provision for free and compulsory primary education and fixing a minimum age below 14 years.
- (7) In any case, it has been recognised that the type of education that is now being imparted in Schools makes it completely unattractive to the parents of children particularly in the rural areas, where children are considered an economic asset. In the circumstances prevailing in our country, it would be unrealistic not to expect that children who are capable of working would be put to work. It is also a matter for consideration whether such work would not, in fact, provide a good input to the healthy growth of these children provided it is conducted under well regulated and healthy conditions.

- (8) In actual practice, the alternative to not doing any work is not always going to school but increasing the number of juvenile delinquents and vagrancy. In fact if the schools are unable to absorb the large number of children between 12 and 15 years, it might be preferable for them to be engaged in some gainful occupation rather than wasting their time in bad company. Unless the type of education imparted in the schools is radically altered on the lines suggested by Gandhiji in 1937 in his scheme of 'Basic Education' and made more craft oriented so as to become relevant to the rural requirements, one must conclude that education by itself may not provide the discipline and knowledge that can be imparted through work.

2. Based on the above consideration, I would suggest that the minimum age for all occupations be recommended to be 12. It has been argued by some that this may be considered as a retrograde recommendation but in the absence of any statutory minimum for all occupations, it would certainly be a positive step to recommend such a minimum age in a realistic and pragmatic manner. Admittedly, this is a transitional provision and it is hoped that with increasing economic prosperity and revamping of the school system, it should be possible to revise the age progressively to that recommended by the ILO, viz., 15. In that case, the constitutional provision regarding hazardous occupation may need to be raised to 16 or even 18.

3. It is also suggested that between the ages of 12—15, there should be a close monitoring and regulation of the conditions of work of the children. In fact, this perhaps is even more important matter than merely fixing the statutory minimum age which might very well remain unimplemented. What seems to be more practical is to closely regulate the conditions of work as well as the wages paid to the children to see that they are not exploited, both financially as well as economically. It is necessary to devise an effective mechanism to ensure that children if they have to work do so under regulated conditions which are severely enforced rather than left to the generosity of the employers.



*Resolution <sup>1</sup> of the Ministry of Labour constituting the Committee on Child Labour dated 6/7th February, 1979 as amended by Resolution dated 31st March, 1979.*

*No. S-27025/6/78-Fac.*—Government has for sometime been viewing with concern the wide-spread existence of child labour in the country both in the organised and unorganised sectors. In order to look into the causes leading to and the problems arising out of employment of children Government have decided to set up a Committee with the following composition :—

*Chairman*

1. Shri M. S. Gurupadswamy, 578, Third Cross, Seventh Main, Hosahalli Extension, Bangalore-40.

*Members*

2. Shri S. W. Dhabe, M. P., 162, South Avenue, New Delhi.
3. Smt. Kamala Bahuguna, M. P., 5, Sunehri Bagh, New Delhi.
4. Smt. Margaret Alva, M.P., 28, Dr. Rajendra Prasad Road, New Delhi.
5. Shri Musaffir Singh, Deputy Director, National Institute of Public Cooperation and Child Development, New Delhi.
6. Miss M. Khandekar, Tata Institute of Social Sciences, Bombay.
- \*7. Representative of the Government of Uttar Pradesh.
- \*8. Representative of the Government of Bihar.
- \*9. Representative of the Government of Gujarat.
- \*10. Representative of the Government of Kerala.
11. Dr. Ram K. Vepa, Development Commissioner, Small Scale Industries, Ministry of Industry, New Delhi.
12. Shri V. S. Bhashyam,<sup>2</sup> Joint Secretary, Ministry of Law, Justice and Company Affairs (Legislative Department), New Delhi.
13. Shri M. M. Rajendran, Joint Secretary, Department of Social Welfare, Ministry of Education and Social Welfare, New Delhi.
14. Shri G. D. Bailur, Joint Secretary, Department of Rural Development, Ministry of Agriculture and Irrigation, New Delhi.
15. Shri M. V. S. Rag,<sup>3</sup> Adviser, Employment, Planning Commission, New Delhi.

*Member-Secretary*

16. Shri H. Pais,<sup>4</sup> Joint Secretary, Ministry of Labour, New Delhi.
2. The terms of reference of the Committee will be as follows :—
    - (i) Examine existing laws, their adequacy and implementation, and suggest corrective action to be taken to improve implementation and to remedy defects.
    - (ii) Examine the dimensions of child labour, the occupations in which children are employed etc., and suggest new areas where laws abolishing/regulating the employment of children can be introduced.
    - (iii) Suggest welfare measures, training and other facilities which would be introduced to benefit children in employment.
  3. The Committee is requested to submit its report within a period of six months.
  4. The Headquarters of the Committee will be New Delhi and it would be provided Secretariat assistance by the Ministry of Labour in the Children's Cell.
  5. The Committee will devise its own procedures. It may call for such information and take such evidence as it may consider necessary. The Ministries/Departments of the Government of India will furnish such information, material and documents and render all such assistance as may be required by the Committee.

6. State Governments/Union Territory Administrations, Public Undertakings and Corporate bodies, organisations of employers and workers, and all other concerned organisations, associations and institutions are requested to extend to the Committee their co-operation.

**ORDER**

Ordered that a copy of the Resolution be communicated to all Ministries/Departments of the Government of India, State Government/Union Territory Administrations and other concerned.

Ordered also that the Resolution be published in the Gazette of India for general information.

M. SETH, Joint. Secy.

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<sup>1</sup>Published in Gazette of India, Extraordinary Part-I—Section I, dated 7-2-1979.

<sup>2</sup>Shri V. S. Bhashyam retired from Government on 30-11-79. He continued thereafter as consultant.

<sup>3</sup>Shri M. V. S. Rao, was member till his retirement, i.e. 30th September, 1979. Dr. (Mrs.) Tmarajakshi, Adviser was representative of Planning Commission, after that.

<sup>4</sup>Shri V. P. Sawhney, Director-General (Labour Welfare) appointed as Member-Secretary.

<sup>\*</sup>S/Shri Saran Prasad, Madhav Sinha, P. V. Bhatta and K. Srinivasan were nominated respectively by the State Governments of U. P., Bihar, Gujarat and Kerala.



## ANNEXURE II

### INAUGURAL SPEECH OF THE UNION LABOUR MINISTER AT THE FIRST MEETING OF THE COMMITTEE ON CHILD LABOUR HELD ON 7TH APRIL, 1979 AT NEW DELHI

Mr. Gurupadaswamy, Chairman of the Committee on Child Labour, distinguished Members of the Committee, and friends.

I am very happy I have the opportunity to be here with you this morning when this Committee on Child Labour is commencing its work. I need tell you, distinguished ladies and gentlemen, about the importance that the Government attaches to the work of this Committee. The problem of child labour is one that has been engaging the attention of our social workers, trade unions, other social reformers and the Government for many decades in our country. But this year, the year 1979 has a special significance for the efforts that we want to make in the field of welfare of children. You are well aware that this year has been identified by the international community as the Year of the Child. It is perhaps most appropriate, therefore, that this Committee should have been appointed in this year, to devote attention to the problems of children especially the problems of child labour in our country. It has often been pointed out that the number of children employed in different occupations, in our country is perhaps the largest in the world. The statistics published by the International Labour Organisation unfortunately have not been exhaustive in the sense that some countries which are very populous countries have not been included in the total statistics that have been made available. But among the countries for which figures have been supplied by the ILO one finds that India has the highest number of children who are employed. According to the Census of 1971, children constituted nearly 42 per cent of our population. Of these, under 14, nearly 10.74 million were working children, that is about 4.7 per cent of the total child population of our country. Anything that we say in this country about population, of course, has the flavour of colossal figures. Therefore, when we talk of 10.74 million working children in our country we must understand the immensity of the dimensions of the problem with which we are dealing. It is true that to some extent there has been a reduction in the number of children employed in spite of the fact that in the decade between 1961—1971, there has been an increase in the population. In 1961 we had 14.4 million children working *i.e.* 8 per cent of the total child population but in 1971 the figures fell from 14.4 million to 10.74 million, 7 per cent of these children who are employed work in urban areas; 93 per cent of them obviously work in rural areas. 78 per cent are employed in occupations that are related to agricultural operations and the rest in the rural areas are employed in various kinds of work which involve helping in family employment or in crafts or in cattle tending. In the urban areas, of course, we are more familiar with the kind of work which children under 14 do today. They are engaged in domestic service, in hotels, in restaurants and canteens, in wayside shops, as workers' hawkers, helpers in service stations and as repair shop workers and shop shine boys; some time they work in construction industry. Therefore, you see, that both in the rural areas and the urban areas and semi urban areas there are number of occupations, a variety of employment in which we see that the children of our country are employed. As far as the organised sector is concerned, we do recognise the fact that it is often more easy to deal with the problems and regulate conditions of work and wages and remuneration, medical inspection, provision for other amenities of welfare etc. In the Semi-organised sector we see that the children are employed particularly in the beedi making industry, in mica, in shellac, in match manufacturing, glass manufacturing, handloom weaving, leather tanning and carpet weaving. It is not necessary for us, I believe, to go into the reasons for this wide prevalence of child employment in our country. The reasons are fairly well known. The extreme poverty of our people, the lack of opportunities for gainful employment, the inadequacy and the intermittent nature of incomes, the low standard of living, especially in the rural areas; all these make it possible for families and parents to think in terms of supplementing their income by utilising the labour power of children. It will be wrong to conclude that every child who is employed is a wage-earner. This may not be so because in many



cases children help their parents in ancestral occupation and family occupations in the agricultural field, or as I said, in tending cattle and what not, and it may be that they are not paid wages for the work they do, though they make contribution to the economic activities of the family and, therefore, the income of the family. It is easy to realise that there is some distinction between those who work for wages and those who do not work for wages or those who are not paid. Where employment involves a clear and evident employer and employee relationship which is reflected in the payment of wages, it perhaps becomes easier to keep track of conditions of work, remuneration, payment of remuneration etc. and therefore, to think of legislation and the enforcement of legislation to regulate the conditions of work. But where children are employed without wages in quasi-industrial ventures, quasi-domestic circumstances it becomes infinitely more difficult to define this relationship and to fashion instructions—administrative and legal—to deal with the problems that arise from such employment. However, we do see that this widespread use of child labour not only creates situation of acute exploitation but also create other problems for society as a whole. Therefore, we have to think not only in terms of the adherent factors relating to the exploitation of the child but also the total social costs that a community has to pay when a large percentage of its population consists of children below 14 and are employed in such occupations or undertakings. There is a tendency then for children not to go to schools, or drop out from schools. This leads to under development in skills and premature exposure to hazards, exposure to hazardous conditions as far as health is concerned, and the resultant stultification of the growth of the personality of the child. It leads to a gradual erosion of the potentiality for economic output. It leads to low levels of employability which again is a factor that militates against the full utilisation of manpower in industrialising society. All these consequences of the wide-spread use of child labour are fairly well known to me and even to you. One may very well ask why we do not forthwith prohibit child labour, if society has to pay such a tremendous cost—a current cost and future cost—for maintaining this utilisation of child labour, why do not we legislate forthwith to prohibit all forms of child labour. I see around this table gentlemen who asked me this question in other forums. But they themselves are aware of the difficulties of instantaneous prohibition of child labour. It is not that this is not a desirable objective, it is not that this is not an objective towards which we have to go and go rapidly but we have to think of two sets of problems related with a proposal for an immediate legal ban on the employment of child labour. One set of problems can be described as economic problems, flowing from the problems of poverty, the fact remains whether an immediate prohibition of the employment of child labour will not lead to the closing of some channels of supplementing incomes for extremely poor families who live below the poverty line. Whether that will not constitute a negative strengthening if I may use that phrase of poverty. Another set of problems can be described as administrative problems, because you may pass a law in your wisdom, but the law has to be implemented. What is a law's worth if it is to remain imprisoned in the Statute Book. Social reform has to be practical. Social reform does not lie merely in postulating distinguished impeccable goals. Social reforms also include the formulation of tangible steps which can take us to our objective. You have the Minimum Wages Act. Every one complains that in spite of the Minimum Wages Act these wages are not paid in the rural areas. In spite of all these laws you find in some areas especially where you have to deal with far flung areas, where the representatives of the administration can reach only with great difficulty, where there can be connivance and complicity, then it becomes very difficult to enforce a law unless conditions are such that there is a tendency to accept the sanctions of the law. Therefore, if we say tomorrow that all child labour should be abolished in this country, make it punishable, it will be very difficult to see that it is enforced. There are various distinguished representatives of the State Governments, they can throw more light on it. This set of difficulties as you know, our Constitution has accepted the necessity to abolish child labour. Article 24 provides that no child below 14 years should be employed to work in any factory or mine or hazardous employment. Article 39, other Articles and other Directive Principles also refer to these areas. I shall not quote them at length. ILO too has been concerned with the problem of child labour for many years. It has adopted several Conventions to deal with child labour but there again you will see that the ILO has also kept in view the realities of the situation, the compulsions of the economic situation, as well as the difficulties in enforcing legislation of this kind. So the ILO also in its policy framework has talked of total prohibition or abolition of child labour by formulating programmes

that enable us to progressively go towards the ideal of a total prohibition of child labour. If it is impossible instantaneously to ban child labour forthwith then we have to work for an improvement of the situation by regulation of child labour, by circumscribing the areas in which children are allowed to work. It is obvious, therefore, that the first step to be taken is to eliminate the employment of children in hazardous occupations. It is true that hazardous occupations are not confined to the process of mining or working in some factories but there can be hazards even in rural areas, even in agriculture where pesticides are used in, where tractors and other machinery are used today. Therefore, we have to identify hazardous occupations and eliminate the employment of children in such occupations. We have to look at the conditions of work and regulate the hours of work, the wages paid for the hours of work and we have to develop programmes that not only generate employment but also combine employment with increase in the technical skills of the young workers, if you want to call them so the child worker. We have many laws in our statute book relating to the employment of children—the Employment of Children Act, the Factories Act, 1948, Plantation Labour Act, and Shops & Establishments Act—but we do feel that these are Acts which are inadequate to deal with dimensions and complexity of the problems of child labour in our country. Several studies have been conducted in the recent years. A Working Group has submitted a Report in 1976. Some work has been done particularly in the cities of Delhi and Bombay to make an extensive survey of the conditions of employment of children. But we do feel that these surveys have not highlighted the entirety of the problem or complexity of the problem or variety of the problem, particularly in large areas which are not covered by the organised sector industry. Therefore, it is our hope that in this year of the Child, this Committee will devote its attention to an extensive survey of the prevalence of child labour in our country, dimensions of child labour in our country the varieties of employment in which children work in our country in rural areas as well as the urban areas. The relevance and the adequacy of the existing laws that deal with children and child labour and the efficacy or the absence of efficacy in the implementation of the legislation that deal with child labour. It is our hope that this Committee will be able to suggest ways of strengthening our efforts in this field. How the existing legislation can be made more comprehensive and more effective,? What we can do to improve the efficacy of our implementing machinery, and in what fields urgent legislation is called for to ensure our twin objective—the objective of abolishing child labour altogether, as soon as possible, and the immediate objective of regulating such employment of child labour as we continue to have till we reach our objective of abolishing child labour and of improving the conditions of work; the ethos of work and the opportunities for the acquisition of technical skills that are essential if our children are to grow into able, competent workers with a high degree of employability that is commensurate with the demands that are made on the working population in a developing and industrialising society. That I think is the reason why the terms of reference of this Committee have been formulated in a very wide and comprehensive fashion. I know when any Committee has terms of reference which are wide and comprehensive, sometimes Committees do take some time to complete its work. It is understandable, but it is our hope that since there is a certain urgency connected with the International Year of the Child, this Committee will complete its work during the year so that it may be possible for the Government to introduce such legislation as is necessary this year itself. But I know that this involves lot of hard work but also I know the distinguished members of this Committee are extremely competent persons who are rich in experience and vision and who are well-known for the contribution that they have made in this field and I am very happy that we have for the Chairmanship of this Committee a man with experience, ability, competence and drive that my honourable friend, Mr. Gurupadswamy as I am sure with the composition of the Committee there can be no reason to believe that the work of the Committee will not be something of which we will not be proud of. I do not want to refer to each member of the Committee. I see the degree of competence and expertise that this Committee will do very well and we can look forward to a very comprehensive, concrete and competent report from this Committee. I wish the Committee all success in its working. Thank you very much.

ANNEXURE III  
COMMITTEE ON CHILD LABOUR  
बाल श्रमिक संबंधी समिति

Questionnaire  
प्रश्नावली

**For Personal Attention**

The Committee on Child Labour has been constituted by the Government of India to consider the dimension of Child Labour and suggest new areas where laws abolishing/regulating the employment of children can be introduced as also the nature of Welfare measures for child workers. In view of the importance of the problem, this Questionnaire may kindly be filled in by you in person and returned to this Ministry on or before the 20th July, 1979.

**व्यक्तिगत ध्यान के लिए**

भारत सरकार ने बाल श्रमिक संबंधी समिति का गठन बाल श्रम पद्धति की व्यापकता पर विचार करने तथा उन नये क्षेत्रों के बारे में जिनमें बच्चों के नियोजन को उन्मूलन/नियमन करने वाले कानून लागू किये जा सकते हैं, और काम करने वाले बच्चों के कल्याण के उपायों के स्वरूप के बारे में सुझाव देने के लिए किया है। इस समस्या के महत्व को ध्यान में रखते हुए, आप इस प्रश्नावली को कृपया स्वयं भरकर 20 जुलाई, 1979 को या उससे पहले इस मंत्रालय में वापस भेज दें।

PART I : BACKGROUND INFORMATION

भाग 1 : पृष्ठभूमि सूचना

1. Name and address and occupation of the respondent (individual/organisation/establishment) :  
प्रत्यर्थी का नाम और पता तथा व्यवसाय (व्यक्ति/संगठन/प्रतिष्ठान) .
2. In case employers'/employees' organisations please give the name of State/Central organisation to which you belong :  
नियोजकों/कर्मचारियों के संगठनों की स्थिति में कृपया राज्य/केन्द्रीय संगठन का नाम बताएं जिससे आप संबंधित हैं :
3. If an organisation/establishment, please specify :  
यदि संगठन/प्रतिष्ठान हो, तो कृपया उल्लेख करें :
  - (a) Goods and services produced/nature of activity :  
(क) उत्पादित वस्तुएं और सेवाएं/कार्यकलाप का स्वरूप :
  - (b) Number of employees as on 1-5-1979 :  
(ख) 1-5-79 को कर्मचारियों की संख्या :

Male	Female	Total
पुरुष तथा	स्त्रियां तथा	कुल
बालक	बालिकाएं	

**Children :**

(i) age below 10 years

आयु—10 वर्ष से कम

(ii) age 10 years and above but below 15 years

आयु—10 वर्ष और अधिक परन्तु 15 वर्ष से कम

(c) Occupations/jobs in which children are mainly engaged :

(ग) वे व्यवसाय/कार्य जिनमें बच्चे मुख्यतः नियोजित किए जाते हैं :

(Please describe the work performed by children)

(कृपया बच्चों द्वारा किये गये कार्य का वर्णन करें)

## PART II : NATURE AND EXTENT OF THE PROBLEM

### भाग 2 : समस्या का स्वरूप और सीमा

4. What, in your view, constitutes 'Child Labour' ?  
आपके विचार में 'बाल श्रमिक' में कौन आते हैं ?
5. What, in your view, are the factors/circumstances that impel or compel children to work ? Please list them in order of importance :  
आपके विचार में ऐसे कौन से कारक/परिस्थितियां हैं जो बालकों को काम करने के लिए प्रोत्साहित या बाध्य करती हैं ? कृपया उन्हें महत्व के क्रम में लिखें :  
  - (a) in rural areas :  
(क) ग्रामीण क्षेत्रों में :
  - (b) in urban areas :  
(ख) शहरी क्षेत्रों में :
6. What are the areas—agriculture, industries, trades and occupations—in which Child labour is generally employed ?  
वे क्षेत्र—कृषि, उद्योग, व्यवसाय और धन्धे कौन से हैं जिनमें बाल श्रमिकों की सामान्यतया नियोजित किया जाता है ?  
  - (a) in rural areas :  
(क) ग्रामीण क्षेत्रों में :
  - (b) in urban areas :  
(ख) शहरी क्षेत्रों में :
7. What makes employers prefer child workers to adult workers ?  
नियोजक वयस्क श्रमिकों की अपेक्षा बाल श्रमिकों को क्यों पसन्द करते हैं ?
8. Do you consider there are particular castes, tribes or communities from which majority of the children work as Child Labour ? If yes, please specify these :  
क्या आप समझते हैं कि ऐसी विशेष जातियां, जन-जातियां या समुदाय हैं जिनमें से अधिकांश बालक बाल श्रमिक के रूप में काम करते हैं ? यदि हां, तो उनका स्पष्ट रूप से उल्लेख करें :  
  - (a) in rural areas :  
(क) ग्रामीण क्षेत्रों में :
  - (b) in urban areas :  
(ख) शहरी क्षेत्रों में :
9. Do you think that migratory labour families contribute to increased employment of children ? If yes, please explain.  
क्या आप समझते हैं कि प्रवासी श्रमिकों के परिवारों से बालकों के नियोजन में वृद्धि हुई है ? यदि हां, तो स्पष्ट करें ।
10. Are you in favour of :  
आप निम्नलिखित में से किस के पक्ष में हैं :  
  - (a) total abolition of Child Labour,  
(क) बाल श्रम पद्धति को पूर्ण रूप से समाप्त करना,

- (b) partial abolition of Child Labour,  
(ख) बाल श्रम पद्धति को आंशिक रूप से समाप्त करना,

In their case whether

प्रत्येक मामले में क्या

- (i) immediate abolition, or  
तत्काल समाप्त करने के पक्ष में हैं, या  
(ii) gradual abolition.  
धीरे-धीरे समाप्त करने के पक्ष में ।

Please give reasons for your views.

कृपया अपने विचारों के लिए कारण दें ।

11. If you are in favour of total abolition of Child Labour :

यदि आप बाल श्रम पद्धति को पूरी तरह से समाप्त करने के पक्ष में हैं तो :

- (a) Do you consider it feasible ? If 'Yes' what time span would you suggest for the same ?  
(क) क्या आप इसे व्यवहार्य समझते हैं? यदि "हां", तो इसे समाप्त करने के लिए आप कितनी समयावधि का सुझाव देंगे ?
- (b) Do you think that Child Labour can be abolished through legislation alone ? If not, what other specific measures should the Government take to achieve the objective?  
(ख) क्या आप समझते हैं कि बाल श्रमिक पद्धति को केवल कानून द्वारा ही समाप्त किया जा सकता है? यदि नहीं तो इस उद्देश्य को प्राप्त करने के लिए सरकार को कौन से अन्य विशेष उपाय करने चाहिए ?
- (c) What role can the following play towards achieving the above objective :  
(ग) उपर्युक्त उद्देश्य को प्राप्त करने के लिए निम्नलिखित की भूमिका क्या है :
- (i) Voluntary Organisations :  
स्वैच्छिक संगठन :
- (ii) Associations of Employers :  
नियोजकों के संगठन :
- (iii) Unions of Workers :  
श्रमिकों की यूनियनें :
- (iv) Local bodies :  
स्थानीय निकाय :
- (v) Bar Associations :  
वकील संघ :
- (vi) Any other organisation which can play a role ?  
कोई अन्य संगठन जो कोई भूमिका निभा सकते हों ?

12. If you are in favour of partial abolition of Child Labour :

यदि आप बाल श्रम पद्धति को आंशिक रूप से समाप्त करने के पक्ष में हैं :

- (a) Please indicate the areas of activities—agriculture, industries, trades and occupations—in which children could be employed :  
(क) तो कृपया कार्यकलाप के क्षेत्र—कृषि, उद्योग, व्यापार और व्यवसाय—बताएं जिनमें बालकों को नियोजित किया जा सकता है ।

In rural areas :

ग्रामीण क्षेत्रों में :

- (i) Self/family employment :  
स्व/पारिवारिक रोजगार :  
(ii) Wage employment :  
संवैतन रोजगार :

*In Urban areas :*

शहरी क्षेत्रों में :

(i) Self/family employment :

स्व/पारिवारिक रोजगार :

(ii) Wage employment :

संवैतन रोजगार :

(b) Would you make any distinction between male and female child workers? Please elucidate.

(ख) क्या आप श्रमिक बालकों और बालिकाओं के बीच कोई भेदभाव करेंगे? कृपया स्पष्ट कीजिए।

(c) Would you suggest any age limit up to which Child Labour should be totally abolished?

(ग) क्या आप किसी आयु-सीमा का सुझाव देंगे जिस तक बाल श्रम पद्धति को पूर्ण रूप से समाप्त किया जाये ?

13. If you are in favour of gradual abolition of Child Labour :

यदि आप बाल श्रम पद्धति को धीरे-धीरे समाप्त करने के पक्ष में हैं तो :

(a) Please give your views on the scope and coverage of gradual abolition in relation to :

बाल श्रम पद्धति को धीरे-धीरे समाप्त करने के क्षेत्र और विस्तार के संबंध में निम्नलिखित पर अपने विचार दें :

*In Rural areas :*

ग्रामीण क्षेत्रों में :

(a) Age

(क) आयु

(b) Sex

(ख) लड़का या लड़की

(c) Agriculture

(ग) कृषि

(d) Industries

(घ) उद्योग

(e) Trades

(ङ) धन्धा

(f) Occupation

(च) व्यवसाय

*In Urban areas :*

शहरी क्षेत्रों में :

(a) Age

(क) आयु

(b) Sex

(ख) लड़का या लड़की

(c) Industries

(ग) उद्योग

(d) Trades

(घ) धन्धा

(e) Occupation

(ङ) व्यवसाय

(b) What steps do you suggest to reduce the incidence of Child Labour?

(ख) आप बाल श्रमिकों की विद्यमानता को कम करने के लिए कितने उपायों का सुझाव देंगे?

14. What do you think will be the effect of abolition of child labour on :  
आपके विचार में बाल श्रम पद्धति को समाप्त करने से निम्नलिखित पर क्या प्रभाव पड़ेगा :
- (a) national economy :  
(क) राष्ट्रीय अर्थव्यवस्था :
  - (b) existing employment situation :  
(ख) वर्तमान रोजगार दशाएं :
  - (c) society as a whole :  
(ग) समस्त समाज :
  - (d) adult employment :  
(घ) वयस्क रोजगार :
  - (e) the family :  
(ङ) परिवार :

### PART III : ADEQUACY OF EXISTING LEGAL FRAME WORK

#### भाग 3 : वर्तमान कानूनी ढांचे की पर्याप्तता

15. Do you think the provisions in Constitution of India are adequate enough to deal with :  
क्या आप समझते हैं कि भारतीय संविधान के उपबन्ध निम्नलिखित पर विचार करने के लिए पर्याप्त हैं :  
Please elucidate in either case.  
कृपया प्रत्येक मामले को स्पष्ट कीजिए ।
- (a) Child Labour  
(क) बाल श्रमिक
  - (b) Welfare of working children  
(ख) बाल कल्याण
16. Article 24 of the Constitution of India provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. Do you suggest any modification in this?  
भारत के संविधान के अनुच्छेद 24 में यह व्यवस्था है कि 14 वर्ष से कम की आयु के किसी भी बालक को किसी भी कारखाने या खान में नियोजित नहीं किया जाएगा या किसी खतरनाक रोजगार में नहीं लगाया जाएगा । क्या आप इसमें किसी संशोधन का सुझाव देंगे ?
17. In the present legislation relating to factories, mines, plantations etc., a 'child' is defined as a person who is below 15 years of age. Do you consider whether any modification is necessary in this age limit ? If so, please indicate with reasons the changes that you suggest.  
कारखानों, खानों, बागानों आदि से संबंधित वर्तमान कानून में "बालक" की परिभाषा का अर्थ ऐसे व्यक्ति से है जो 15 वर्ष से कम आयु का है । क्या आप समझते हैं कि इस आयु-सीमा में किसी प्रकार का संशोधन आवश्यक है ? यदि हां, तो कारणों सहित वे संशोधन बताएं जिनका आप सुझाव देना चाहें ।
18. Do you think the existing laws (State and Centre) give adequate protection to working children? If not, please indicate with reasons the changes that you suggest.  
क्या आप समझते हैं कि वर्तमान कानून (राज्य और केन्द्रीय) कार्यरत बालकों को पर्याप्त संरक्षण प्रदान करते हैं ? यदि नहीं, तो कारणों सहित वे संशोधन बताएं, जिसका आप सुझाव देना चाहें ।
19. Do you think the existing laws (State and Centre) relating to child labour would help in its eventual elimination ? Please state your views in detail.  
क्या आप समझते हैं कि बाल श्रमिक सम्बन्धी वर्तमान कानूनों (राज्य और केन्द्रीय) से इस प्रथा को अन्तिम रूप से समाप्त करने में सहायता मिलेगी ? कृपया अपने विचार विस्तार से बताएं ।

20. There is considerable Child Labour in rural areas which is not covered by any protective law. Do you consider whether any legislation is necessary in this regard ? Kindly elucidate your views.

ग्रामीण क्षेत्रों में बहुत ज्यादा बाल श्रमिक हैं जो किसी संरक्षक कानून के अन्तर्गत नहीं आते । क्या आप इस संबंध में कोई कानून आवश्यक समझते हैं ? कृपया अपने विचार स्पष्ट करें ।

21. The present legislation does not make any distinction between boys and girls in so far as Child Labour is concerned. Do you suggest different age limits and occupations for them, and if so, indicate with reasons these limit and occupations.

जहां तक बाल श्रमिकों का सम्बन्ध है, वर्तमान कानून लड़कों और लड़कियों में किसी प्रकार का भेदभाव नहीं करता । क्या आप उनके लिए विभिन्न आयु-सीमाओं का सुझाव देते हैं और यदि ऐसा सुझाव देते हैं, तो इन सीमाओं को, यदि कोई हों, कारणों सहित बताएं ।

S. No. क्रमांक	Occupation व्यवसाय	Age limit आयु-सीमा		Reasons कारण
		Boys लड़के	Girls लड़कियां	

22. (a) Do you feel that the enforcement of the existing legal provisions relating to Child Labour is satisfactory? If not, please indicate instances of violations of law within your knowledge which affect children.

(क) क्या आप समझते हैं कि बाल श्रमिकों से सम्बन्धित वर्तमान कानूनी उपबन्धों का प्रवर्तन संतोष-जनक है ? यदि नहीं, तो कानून के उल्लंघनों के मामले बताएं जो आपकी जानकारी में हैं तथा जिनका बच्चों पर प्रभाव पड़ता है ।

(b) What steps would you suggest to make the enforcement of law more effective ?

(ख) आप कानून के प्रवर्तन को अधिक कारगर बनाने के लिए किन उपायों का सुझाव देंगे ?

23. Do you consider the present inspection machinery adequate for enforcement of various provisions relating to Child Labour in different Acts ? If not, please give your suggestions for improvement.

क्या आप समझते हैं कि विभिन्न अधिनियमों में बाल श्रमिकों से संबंधित विभिन्न उपबन्धों के प्रवर्तन के लिए वर्तमान निरीक्षणतंत्र पर्याप्त है ? यदि नहीं, तो कृपया सुधार के लिए अपने सुझाव दें ।

24. Apart from the statutory inspection and enforcement machinery, would you consider any other institutional arrangements necessary for enlisting greater co-ordination and wider co-operation in the implementation of laws ?

सांविधिक निरीक्षण और प्रवर्तन मशीनरी के अलावा, क्या आप इन कानूनों के कार्यान्वयन में अधिक समन्वय और व्यापक सहयोग प्राप्त करने के लिए अन्य संस्थागत प्रबन्ध आवश्यक समझते हैं ?

25. Do you think that a separate standing machinery involving Government and public should be constituted at Central and State levels to tender advice on all aspects of Child Labour ?

क्या आप समझते हैं कि केन्द्रीय और राज्य स्तरों पर एक पृथक स्थायी मशीनरी गठित की जानी चाहिए जिसमें सरकार और जनता के प्रतिनिधि हों और जो बाल श्रमिकों के सभी पहलुओं पर परामर्श दें ?

26. Do you suggest enhancement in penalties for violating the provisions of law relating to Child Labour ? If so, please give your suggestions.

क्या आप बाल श्रमिकों से सम्बन्धित कानून के उपबन्धों का उल्लंघन करने के लिए दण्ड में वृद्धि का सुझाव देते हैं ? यदि हां, तो कृपया अपने सुझाव दें ।



27. Could cite instances of occupations where children are presently employed and which in your opinion are hazardous in nature and require regulation by law.

क्या आप ऐसे व्यवसायों के उदाहरण दे सकते हैं जहां इस समय बालक नियोजित हैं और जो आपके विचारों खतरनाक किस्म के हैं तथा जिसमें कानून द्वारा विनियमन की आवश्यकता है।

(a) in rural areas :

(क) ग्रामीण क्षेत्रों में :

(b) in urban areas :

(ख) शहरी क्षेत्रों में :

28. Do you suggest a national code for children.? If so, what should be the composition of the code ?

क्या आप बालकों के लिए राष्ट्रीय संहिता का सुझाव देते हैं ? यदि हां, तो इस संहिता का गठन कैसा होना चाहिए ?

#### PART IV : SUPPORTIVE MEASURES

##### भाग 4 : सहायक उपाय

29. Do you suggest any changes in the present education policy which would help to reduce the incidence of Child Labour ? If so, please elaborate.

क्या आप वर्तमान शिक्षा नीति में किसी प्रकार के परिवर्तन का सुझाव देते हैं जिससे बाल श्रमिकों की घटना को कम करने में मदद मिले। यदि हां, तो कृपया विस्तार से बताएं।

30. What steps in your view should be taken to educate the parents of working children to appreciate the importance of schooling.

आपके विचार में रोजगार में लगे बालकों के मां-बाप को शिक्षित करने के लिए क्या उपाय किए जाने चाहिए ताकि वे शिक्षा के महत्व को समझ सकें।

31. Do you suggest any special incentives to be given to parents to send their children to a school ? If so, please spell them out.

क्या आप इस बात का सुझाव देते हैं कि मां-बाप को अपने बच्चों को स्कूल भेजने के लिए किसी प्रकार का विशेष प्रोत्साहन दिया जाए ? यदि हां, तो कृपया उपाय उल्लेख करें।

32. It is said that vocational training can go to a long way in reducing Child Labour. If you agree with this, what in your opinion should be done to arouse interest of children in this regard ?

यह बताया गया है कि व्यवसायिक प्रशिक्षण से बाल श्रमिकों की संख्या को कम करने में बहुत मदद मिल सकती है। यदि आप इससे सहमत हैं ; तो आपके विचार में इस संबंध में बच्चों की अभिरुचि को जगाने के लिए क्या कदम उठाए जाने चाहिए ?

33. Do you think that employers could be either persuaded or compelled to take enlightened measures to develop the knowledge and skill of their child workers to shape them as good adult workers ? If so, please elaborate your views in this regard.

क्या आप समझते हैं कि नियोजकों को अपने बाल श्रमिकों के ज्ञान और कौशल का विकास करने के लिए, सार्थक उपाय करने के लिए प्रेरित या बाध्य किया जा सकता है ताकि बालकों को अच्छा वयस्क श्रमिक बनाया जा सके ? यदि हां, तो कृपया इस संबंध में अपने विचारों को विस्तार से बताएं।

34. Do you think that the employers should be asked to make arrangement, with Government's assistance if necessary, to combine work with education and training ? If so, kindly elucidate your specific suggestions.

क्या आप समझते हैं कि यदि आवश्यक हो तो सरकार की सहायता से, नियोजकों से कहा जाए कि वे कार्य को शिक्षा और प्रशिक्षण के साथ मिलाने का प्रबन्ध करें ? यदि ऐसा है, तो कृपया आप अपने विशिष्ट विचारों की स्पष्टी करें।

35. In view of the high drop out rate which contributes to the high incidence of Child Labour would you suggest any institutional changes in the school curriculum and educational system?

बच्चों के अत्यधिक संख्या में स्कूल जाना बन्द कर देने के तथ्य को ध्यान में रखते हुए, जिससे बाल श्रमिकों की संख्या बहुत अधिक हो जाती है, क्या आप स्कूलों के पाठ्यक्रमों और शैक्षिक पद्धति में किसी प्रकार के परिवर्तन का सुझाव देंगे ?

36. What role do you visualise for the mass media for educating public opinion on various aspects of Child Labour ? Please elucidate.

बाल श्रमिकों के विभिन्न पहलुओं पर लोकमत जानने के लिए आप सामूहिक प्रकार की किस भूमिका की कल्पना करते हैं ? कृपया स्पष्ट कीजिए ।

#### PART V : GENERAL

##### भाग 5 : सामान्य

37. Would you like to suggest any aspects other than those listed above to be considered by the Committee on Child Labour ? If so, can you please spell out these ?

[क्या आप ऊपर बताए गए पहलुओं के अतिरिक्त किसी अन्य पहलू का सुझाव देना चाहेंगे जिस पर बाल श्रमिक संबंधी समिति विचार करे । यदि ऐसा है, तो क्या आप इन पहलुओं को विस्तार से बताएंगे ?



# ANNEXURE IV

## SYNOPSIS OF THE REPLIES RECEIVED TO THE QUESTIONNAIRE

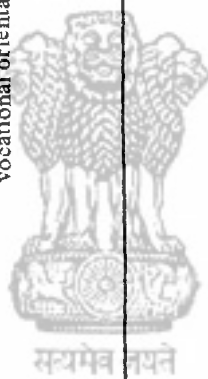
Sl. No.	Question	Consensus	Workers' view	Employer's view	Govt. Deptt's view	M.Ps., M.L.As.' view
1	2	3	4	5	6	7
1.	What constitutes Child Labour.	There is no unanimity on the definition of child labour. Most of the respondents have defined child labour as those between 10 to 15 years of age and employed in gainful work for wages in cash or kind.	Employment of children below 15 years.	Employment of children below 10 years. Some feel that employment of children below 14 years should be considered child labour; 10—15 years as child labour. India Tea Association feels that by child labour we mean a person who has not completed 15th year.	6 to 14 years.	Child should be in school atleast upto 15 years of age.
2.	What compels children to work.	Poverty and economic reasons, lack of adequate awareness among parents for educating children, illiteracy, large size of family, inadequate schooling facility, loss of parents or bread winner of the family, unemployment, lack of land.	Poverty, illiteracy and low status in society, hunger, ignorance.	Poverty, lack of educational opportunities, prospect of uncertain future even for the educated ones and large size of families.	Lack of possession of land, large size of family as in previous columns.	As given in previous columns.
3.	Areas where child labour is employed.	<i>Rural</i> —In rural areas children work in agriculture, tend cattle, work on threshers, cottage industries, casual labour etc. In plantations children help their parents. <i>Urban</i> —In urban areas children work in shops, restaurants, dhabas, tea shops, etc. They work as domestic servants, children work in small scale and cottage industries like carpet making,	Agriculture, beedi, match, handloom, fireworks, plantations.	Match, printing, fireworks, beedi, presses, cashew nut factories, automobile workshops, coir making industries.	Animal husbandry.	As given in previous columns.

zari work, chikan work, beedi and cigar making, saw mills, collection of scrap and waste, scooter and motor workshops, tailoring shops, news-paper sellers, etc., shoe shine boys.

4. Why child labour is preferred.	Employment of child labour is more economical. They work for long hours, they have no trade unions.	No preference known. Andhra Chamber of Commerce is not aware of large scale direct employment of child labour. Easy and cheap employment.	Because of cheapness.	As given in previous columns.
5. Particular castes, tribes or communities from which majority of children work as child labour.	In rural areas children from backward classes, scheduled castes and tribes are child workers. In urban areas children of all castes and communities work.	All communities. Harijan and other backward communities.	Scheduled Castes, Scheduled Tribes, backward classes, landless labourers, handicapped families.	As given in previous columns.
6. Does migratory labour families increase employment of children ?	There is no unanimity of opinion. Some respondent, replied in the affirmative whereas others have denied altogether the existence of migratory labour.	No. Some have expressed in affirmative.	Yes	No As given in previous columns.
7. Are you in favour of partial or total, immediate or gradual abolition of child labour.	Some have suggested partial and gradual abolition of child labour phased over a period of five to ten years. Immediate abolition of child labour will suddenly reduce the family incomes.	Total and gradual abolition of child labour. Some have expressed for partial abolition below 10 years with immediate effect. Total abolition is not feasible due to poverty.	Total abolition of child labour below 10 years of age immediately. Some employers from Tamil Nadu have expressed in negative for total abolition of child labour, because families dependent on child labour will suffer.	Total and partial abolition of labour. Total & gradual abolition of child labour over a period of 10 years.
8. What will be the effect of abolition of child labour on national economy, existing employment, situation, society, adult employment and family.	Abolition of child labour will increase employment opportunity for adults. It may reduce family incomes.	It will have severe repercussions on the national economy and society. It will marginally affect the economy. INTUC, Madras have stated that existing employment situation will improve.	Children constitute about one third of labour force in Sivakasi, their sudden disappearance from work force will affect economy considerably. No effect on nation. More jobs for adults.	Marginal effect. As in previous columns.

1	2	3	4	5	6	7
9. Adequacy of existing legal framework and its enforcement machinery.	Most of the respondents feel that the existing legal framework is adequate. Law alone will not be sufficient to solve the problem because it is economic in nature.	Laws are adequate. Honest and strict enforcement of law is necessary. Enforcement is not adequate. Inspection machinery is not adequate.	Adequate group 10-14 be allowed to work at least in match factories. Legislation alone cannot solve the problem of child labour. Conditions should be created to motivate to the parents to send their children to school.	Yes. But enforcement machinery is weak.	As in previous columns.	
10. Education Policy.	There should be more emphasis on technical education, vocational training and agricultural education.	More schools are needed. Compulsory education should be strictly enforced.	Informal education with some remuneration. Free books and noon meals should be there. There should be compulsory universal secondary education. Education should be vocational oriented.	Education policy is adequate.	As in previous columns.	
11. Incentives to parents to send their children to school.	Mid-day meal, uniforms for children of poor families.	Low income people should be given some allowance as incentives.	In case of children below ten years, a lumpsum payment of equal to the loss of emoluments which the child would have otherwise earned. Scholarship and stipends should be given.	Free school uniforms, mid-day meals, free text books, cash incentive etc.	As in previous columns.	
12. Vocational Training.	Almost all respondents have emphasised the importance of vocational training.	Vocational training can certainly go a long way in reducing child labour. A scheme like earn while you learn should also be introduced.	Orientation to vocational training may prove useful. Vocational training is useful. Vocational training can go a long way in reducing child labour.	Vocational training is useful.	As in previous columns.	
13. Enlightened measures to be taken by employers to develop knowledge and skill of child workers.	Response is in the affirmative from most of the respondents. Some have suggested legislation also.	Employers should be compelled to take enlightened measures to develop the knowledge and skill of child. Workers and employers should run schools for child labour; children should be given free meals, clothes and books.	Possible. Yes. Some employers have already adopted measures to develop skill of their child workers. Other can certainly be persuaded.	There should be a law for this.	As in previous columns.	

14. Combining work with education and training.	Work may be combined with education. Earn while you learn should be our strategy.	Subsidy may be granted for combining work with training and education.	Yes. Indian Tea Association also agrees with this view.	Affirmative answer. As in previous columns.
15. Anything other than listed in the Questionnaire.	<p>Economic conditions of the country should be improved so that problem of child labour is done away with. Trade Union participation should be there at all levels. The question of abolition of child labour should be given due publicity. Working children should be given facility for recreation for learning jobs they like. There should be periodical medical check up of all children. An appropriate body should be entrusted with identification of Industries/occupations, which are hazardous for children.</p>	<p>District and area committees can be framed to advise the authorities and to have effective supervision. Trade union participation should be there at all levels for proper implementation of legislative and other measures. Sufficient publicity should be given to abolition of child labour.</p>	<p>Unless the economic conditions are improved, child labour can't be done away. Working children should be given all facilities for recreation. There should be compulsory periodical medical check up for learning trades if children so desire. There should be total abolition of child labour and compulsory and free education upto High School Level with vocational orientation.</p>	<p>The Committee should recommend a time bound programme so that children are freed from exploitation. An appropriate body may be entrusted with identification of industries/occupations which are hazardous for children.</p> <p>As in previous columns.</p>



## ANNEXURE V

### *A Brief note on the Studies sponsored by the Committee*

Within the limited resources available the Committee has sponsored the following studies :

1. Study of Child Labour in Varanasi by the Gandhian Institute of Studies under the directions of Prof. Raja Ram Shastri of Kashi Vidyapeeth, Varanasi. The study will cover Varanasi urban area for assessing magnitude of child labour, conditions of work, causes of child labour, wages, environment, implementation of existing labour laws, etc. Studies have been conducted in the past in big metropolitan cities. The Varanasi study will supplement further the position prevailing in a medium size environment where a large number of children are employed in different occupations.
2. A study by the Maharashtra Institute of Labour Studies, Ichalkaranji, Kolhapur, about children employed in the textile and engineering industries as well as in various shops and establishments.
3. A study by Tirpude College of Social Work, Nagpur, on position of Child Labour in Gondia, District Bhandara, Maharashtra. A number of children are working in bidi and other small cottage industries, in this area.
4. A study by Tata Institute of Social Sciences in Akkalkuwa (Maharashtra) which is predominantly inhabited by the tribal children mostly employed in agriculture.

The results of the above studies could not be available to the Committee at the time of finalisation of its report.



## ANNEXURE VI

*Relevant International Instruments covering Child Labour (Extracts from United Nations Economic and Social Council Document No. E/CN.4/sub. 2/433 E/CN.4/sub. 2 ac. 2/29 dated, 29th June, 1979).*

### I. RELEVANT INTERNATIONAL INSTRUMENTS

1. Child labour is prohibited under various international instruments, adopted by the United Nations or by the International Labour Organisation.

#### A. United Nations instruments.

2. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery of 1956 prohibits the exploitation of child labour in cases in which the child is delivered to a third person for such purpose. Article 1 of the Convention requires States parties to take :

“all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices...

(d) any institution, or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person (whether for reward or not, with a view to the exploitation of the child or young person or of his labour”<sup>1</sup>;

3. The International Covenant on Economic, Social and Cultural Rights contains a general prohibition of the employment of children under a given age and in occupations, dangerous to health or morals. Article 10(3) provides *inter alia* that :

“Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”<sup>2</sup>

4. The Declaration of the Rights of the Child (General Assembly Resolution 1386 (XIV)) contains a similar prohibition. Principle 9 states :

1. The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

“2. The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.”

5. The same text has been inserted in the draft Convention on the Rights of the Child (Article IX), under discussion by the Commission on Human Rights.<sup>3</sup>

<sup>1</sup>As of 31st March, 1979, the Supplementary Convention had been ratified by 90 countries and signed by five. Reports submitted by States parties under article 8 of the Convention are reviewed by the Working Group on Slavery.

<sup>2</sup>As of 31st March, 1979, the Covenant had been ratified by 58 States and signed by another 15. According to the procedure for submission of reports laid down by the Economic and Social Council in resolution, 1988 (LX) State reports on the implementation of rights covered, *inter alia*, by article 10 are due by 1 December, 1979.

<sup>3</sup>The text of the draft Convention is contained in resolution, 20 (XXXIV) of 8th March, 1978, as revised by the thirtyfifth session (See E/CN.4/1347, Chapter XI).



## B. International Labour Organisation Instruments

6. The International Labour Organisation stated that the abolition of child labour has been one of its basic aims since its founding. At the same time, the International Labour Organisation has also pursued a consistent policy of protecting working children from undesirable conditions of work.<sup>4</sup> The International Labour Organisation instruments, therefore, fall into two basic categories.

### 1. Instruments prohibiting Child Labour

7. The first instrument setting a minimum age for admission to employment was the Minimum Age (Industry) Convention (No. 5), adopted by the International Labour Conference at its first session in 1919. This Convention prohibited in principle the admission to industrial employment of children under 14. Subsequently, a number of other Conventions and Recommendations were adopted by the International Labour Organisation, setting minimum age standards for admission to employment in a variety of occupations.<sup>5</sup>

8. A new stage in International Labour Organisation efforts to abolish child labour was reached with the adoption of a new and comprehensive Minimum Age Convention in 1973 (No. 138). As stated in the preambular part of this instrument, its purpose is to replace gradually existing instruments applicable to limited economic sectors, "with a view to achieving the total abolition of child labour".

9. In terms of article 1 of the Convention, each State Party "undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical or mental development of young persons".

10. Under articles 2(1) and (3), Members are required to specify a minimum age for admission to employment or work which should not be less than the age of completion of compulsory schooling and, in any case, not less than 15 years.

11. Under articles 3(1) and (3), the minimum age for admission "to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons" is set at not less than 18 years. The types of employment or work to which this applied shall be determined by national laws or regulations or by the competent authority after consultations with the organizations of employers and workers concerned, where such exist.

12. These age limits may be lowered under certain circumstances. In terms of article 2(4), a country "whose economy and educational facilities are insufficiently developed, may, after consultation with the organizations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years". Countries which have availed themselves of this provision are subsequently required to specify in their reports on the application of the Convention that their reasons for doing so subsist, or to indicate a date from which they renounce their right under this article.

<sup>4</sup>*Children and Work—An ILO Policy Framework for the International Year of the Child, 1979*, International Labour Office, Geneva, February, 1978, (ILO/Y1/1978), p. 2;

<sup>5</sup>Minimum Age (Sea) Convention, 1920 (No. 7);

Minimum Age (Agriculture) Convention, 1921 (No. 10);

Minimum Age (Trimmers and Stockers) Convention, 1921 (No. 15);

Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33);

Minimum Age (Non-Industrial Employment) Recommendation, 1932 (No. 41);

Minimum Age (Sea) Convention (Revised) 1936 (No. 58);

Minimum Age (Industry) Convention (Revised), 1937 (No. 59);

Minimum Age (Non-Industrial Employment) Convention (Revised); 1937 (No. 60);

Minimum Age (Coal Mines) Recommendation, 1953 (No. 96);

Minimum Age (Fishermen) Convention, 1959 (No. 112);

Minimum Age (Underground Work) Convention, 1965 (No. 123);

These instruments are analysed in details in report prepared by the International Labour Office for the International Labour Conference, 57th Session, *Minimum Age for Admission to Employment*, Report IV (I) I (ILO), Geneva, 1972.

13. The minimum age for admission to hazardous work may be lowered to 16 years, in terms of article 3(3), "on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity".

14. In terms of article 6, the Convention does not apply to "work done by children and young persons in schools for general, vocational or technical education or in other training institutions or to work done by persons of at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist" and where such work is an integral part of an educational or training programme.

15. Under article 7 the Convention allows ratifying States to permit the employment of children between 13 and 15 years (between 12 and 14 for States having specified a general minimum age of 14 years) and of children above that age who have not completed compulsory schooling, on "light work" which is "not likely to be harmful to their health or development" and "not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes...".

16. Article 8 allows exceptions from general minimum age standards to be made by permits granted in individual cases, for such purposes as participation in artistic performances.

17. Concerning the scope of application of the Convention, it may be pointed out that in contrast to the earlier Conventions which it is designed to replace, and which were applicable to limited economic sectors, Convention No. 138 extends to all forms of employment or work. Certain derogations may be made in the case of countries which have special problems of implementation. Under article 4, "limited categories of employment or work in respect of which special and substantial problems of application arise" may be excluded after consultation with the organizations of employers and workers concerned, provided however that such categories do not involve danger to health, safety and morals.

18. Under article 5(1), "A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially limit the scope of application" of the Convention.

19. On the other hand, in terms of article 5(3), certain categories of work are considered as minimum to which the Convention shall be applicable. These are : "mining and quarrying ; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small scale holdings producing for local consumption and not regularly employing hired workers".

20. In addition, the International Labour Conference adopted Recommendation No. 146 to supplement the Minimum Age Convention. The Recommendation invites States to give high priorities to planning for and meeting the needs of children and youth in national development policies and programmes. It recommends that Member should take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work specified under the Convention, in all sectors of economic activity. Countries where the minimum age for admission to dangerous work is still below 18 years should take immediate steps to raise it to that level. Determination of types of dangerous work should be carried out taking fully into account relevant international labour standards, and re-examined periodically in light of scientific and technological developments.

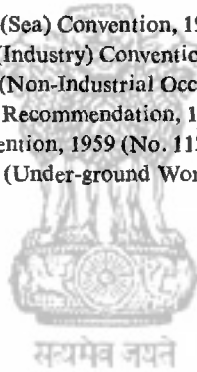
## *2. Protection of children at work*

21. While promoting the prohibition of child labour as a long-term goal, the International Labour Organisation has also pursued a policy of setting standards to protect working children from exploitative conditions of work. A number of Conventions and Recommendations have therefore been

adopted since 1919 prohibiting the employment of young persons and/or children in certain types of work and regulating their working conditions. These fall into the following main categories :

- (a) instruments prohibiting night work for children and young persons; <sup>6</sup>
- (b) instruments, prohibiting employment of children and young persons in specified categories of hazardous and dangerous work; <sup>7</sup>
- (c) instruments requiring medical certification of fitness on entry to employment and periodical medical examinations for children and young persons; <sup>8</sup>
- (d) instruments providing for stricter standards for young workers in relation to working hours, weekly rest, holidays with pay and apprenticeship. <sup>9</sup>

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- <sup>6</sup>—Night Work of Young Persons (Industry) Convention, 1919 (No. 6);
  - Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14);
  - Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79);
  - Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 (No. 80);
  - Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90);
  - Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109).
  - <sup>7</sup>—Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4);
  - White Lead (Painting) Convention, 1921 (No. 13);
  - Radiation Protection Convention, 1960 (No. 115);
  - Conditions of Employment of Young Persons (Under-ground Work) Recommendation, 1965 (No. 125);
  - Maximum Weight Convention, 1967 (No. 127);
  - Benzene Convention, 1971 (No. 136).
  - <sup>8</sup>—Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16);
  - Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77);
  - Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78);
  - Medical Examination of Young Persons Recommendation, 1946 (No. 79);
  - Medical Examination (Fishermen) Convention, 1959 (No. 112).
  - <sup>9</sup>—Medical Examination of Young Persons (Under-ground Work) Convention, 1965 (No. 124).



## ANNEXURE VII

*\*Resolution concerning International Year of the Child and the progressive elimination of Child Labour and traditional measures adopted by the International Labour conference in the sixty-fifth session (1979) at Geneva.*

The General Conference of the International Labour Organisation,

Recalling resolution 31/169 adopted by the United National General Assembly, proclaiming 1979 as the International Year of the Child, with the general objectives of promoting the well being of children, drawing attention to their special needs and encouraging national action on behalf of children, particularly for the least privileged and those who are at work,

Noting the activities that were undertaken at the national, regional and international levels in preparation for the International Year of the Child and the progress made since,

Convinced that the International Year of the Child provides for all member States an opportunity to review their economic and social policies concerning child welfare and to formulate guidelines in this sphere,

Considering that a new and fair international economic order would greatly contribute towards genuine economic and social development, primarily of benefit to children,

Recalling the endorsement by the ILO of the aims of the International Year of the Child and its pledge to make every effort and lend all support to member States for their earliest possible fulfilment,

Recalling the United National Declaration of the Rights of the Child, 1959, and particularly Principle 9, which stipulates that the child should be protected against all forms of neglect, cruelty and exploitation; that he should not be admitted to employment before an appropriate minimum age; and that he should in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development,

Considering that since its foundation the International Labour Organisation has sought to eliminate child labour and to provide protection for children,

Noting with approval the Director-General's Declaration on the International Year of the Child,

Deeply concerned that child labour still remains wide-spread in many parts of the world and that working children frequently work under conditions including those of exploitation detrimental to their health and welfare,

Recognising the need to ensure that the health and strength and the tender age of children are not abused and that children are not permitted to enter avocations unsuited to their age or strength,

Considering that the International Year of the Child should be an occasion to reaffirm with practical measures and deeds that the well-being of today's children is the concern of all people everywhere,

Recalling the decision of the Governing Body of the International Labour Office, taken at its 208th Session (November, 1978), to request the member States to supply a report in 1980 under article 19 of the Constitution on the extent to which effect has been given or is proposed to be given to the Minimum Age Convention (No. 138) and Recommendation (No. 146) of 1973;

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\*India was also a Co-sponsor of this resolution.

1. Calls upon member States to strengthen their effort for the elimination of child labour and for the protection of children, and in this context—

- (a) to implement the provisions of the Minimum Age Convention, 1973 (No. 138), and where they have not already done so, to ratify this Convention as early as practicable;
- (b) to ensure in particular full recognition of the principle that any work undertaken by children who have not completed their compulsory education shall not be such as would prejudice their education or development;
- (c) to apply the Minimum Age Recommendation, 1973 (No. 146), and the Minimum Age (Underground Work) Recommendation, 1965 (No. 124);
- (d) to report in detail in 1980 under the procedure of article 19 of the Constitution on the progress reached in the implementation of the Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973;
- (e) pending the elimination of child labour, to take all necessary social and legislative action for the progressive elimination of child labour and during the transitional period until the elimination of child labour, to regulate and humanise it and to give particular attention to the implementation of special standards of children relating to medical examination, night work, underground work, working hours, weekly rest paid annual leave and certain types of hazardous and dangerous work embodied in a number of ILO instruments;
- (f) to make every effort to extend the provisions of appropriate educational facilities, in order fully to apply compulsory education and to introduce it where it does not exist and, where education is compulsory, to make it effective;
- (g) to ensure that appropriate protective labour legislation applies to all children at work in the sectors of activity in which they are employed;
- (h) to ensure that special attention is given to the provision of fair remuneration and to its protection for the benefit of the child;
- (i) to strengthen, where appropriate, labour inspection and to undertake all other measures conducive to the elimination of child labour;
- (j) (i) to identify the special needs of children to strengthen efforts to improve the general economic and social well-being of the family, and to launch a national campaign aimed at creating awareness among the general public of the adverse effects of child labour on his/her development;
- (ii) to develop international solidarity and cooperation with the developing countries and to activate efforts to establish a new and fair international economic order so as to respond more effectively to the basic measures undertaken by each State for better child protection.

2. Calls upon governments and employers' and workers' organisation to assess the situation of child work and to assist the competent bodies and the ILO to strengthen their action programme for children.

3. Invites the Governing Body of the International Labour Office to instruct the Director General to continue and reinforce the ILO's action through such means as factual surveys of national situations and practices for the elimination of child labour and for the protection of children at work, and to make the necessary preparations for a global revision of the relevant ILO instruments.

## ANNEXURE VIII

### *Various reports considered by the committee during its Deliberations*

1. Reports of the Royal Commission on Labour in India, 1931.
2. Report of the Labour Investigation Committee, 1946.
3. Child Labour in India—Published by Labour Bureau, 1954.
4. Report of the Committee on Labour Welfare, Department of Labour and Employment, New Delhi, 1969.
5. Report of National Commission on Labour, Department of Labour and Employment, New Delhi, 1969.
6. Report of National Seminar on Children organised by the Department of Social Welfare and National Institute of Public Cooperation and Child Development, New Delhi, 1975.
7. Report of Working Group on Employment of Children appointed by the Department of Social Welfare, 1976.
8. Working Children in Urban Delhi—A Research Report by Indian Council for Child Welfare, April, 1977.
9. Report on Working Children in Bombay—A Study (September, 1978), National Institute of Public Cooperation and Child Development, New Delhi.
10. Conference of Child in India, April, 1979 convened by Indian Association for the Study of Population and National Institute of Public Cooperation and Child Development, New Delhi.



## STATEMENT 1

*Global dimensions of working children*

Area	Total Active (Millions)	Unpaid Family Workers <sup>1</sup>	
		Total Active	Millions
<b>WORLD</b>	52.0	80	41.2
More developed regions	1.3	4	0.5
Less developed regions	50.7	80	40.6
South Asia	29.0	80	23.2
East Asia	9.1	70	6.4
Africa	9.7	95	9.2
Latin America	3.1	65	2.0
Europe	0.7	50	0.4
U.S.S.R.	—	—	—
Northern America	0.3	10	—
Oceania	0.1	85	0.1

<sup>1</sup> Includes workers on own accounts.

SOURCE : I. L. O., Bureau of Statistics, Geneva, 1978.



## STATEMENT 2

*Number of Child workers in India*

Year	Rural	Urban	Total	Source
1961 . . . . .	13.72	0.81	14.53	Census, 1961
1st March, 1978 . . . . .	14.68	1.57	16.25	NSS Projections based on usual status rates of 32nd Round of NSS.
1st March, 1983 . . . . .	14.03 (15.57)	1.67 (1.79)	15.70 (17.36)	Estimated by Planning Commission.

FOOT NOTES : (i) Estimate for March, 1983 is based on the assumption that children in the age-group 5—9 would be going to school and would be participating, if at all, on a marginal basis.  
(ii) Figures in brackets for 1st March, 1983, give estimates assuming the 5-9 Labour Force Participation Rates (LFPR) as remaining constant.

SOURCE : Planning Commission.





## STATEMENT 3

*Children working in different areas of employment in India according to 1971 Census*

S. No.	Nature of Activity	No. of child workers in thousands	Percentage
1.	Cultivators . . . . .	3,870	36.05
2.	Agricultural labourers . . . . .	4,586	42.72
3.	Livestock, forestry, fishing, hunting, plantations, orchards, etc. . . . .	885	8.25
4.	Mining and quarrying . . . . .	24	0.22
5.	Manufacturing, processing, serving, repairs, etc. . . . .	653	6.08
	(a) Household industry . . . . .	338	3.15
	(b) Others . . . . .	315	2.93
6.	Construction . . . . .	59	0.55
7.	Transport, storage and communication . . . . .	42	0.39
8.	Trade and commerce . . . . .	211	1.97
9.	Other services . . . . .	405	3.77
	Total . . . . .	10,739	100.00

SOURCE : Census of India, 1971.



## STATEMENT 4

State-wise distribution of working children below 15 (as on 1-4-1961)

State/U.T.	Percentage of children to total population				Child labour Nos. (000)	% of male child labour	% of total labour	Child labour % to total children	% of total workers to State total pop.	Proportion of child labour total workers		
	Total children pop. (000)	State	India	Rural						Urban	Total	
1	2	3	4	5	6	7	8	9	10	11	12	
Andhra Pradesh . . . . .	14228	39.5	3.24	1916	58.8	60.5	13.47	51.87	10.93	5.45	10.27	
Assam . . . . .	5321	44.8	1.21	379	55.9	66.6	7.12	43.26	7.71	2.57	7.40	
Bihar . . . . .	19653	42.3	4.48	1542	63.2	67.3	7.85	43.40	8.37	3.15	8.02	
Gujarat . . . . .	8846	42.9	2.02	613	54.5	67.1	6.93	41.07	8.42	2.14	7.23	
Jammu & Kashmir . . . . .	1446	40.6	0.33	116	62.1	72.0	8.02	42.80	8.03	3.91	7.61	
Kerala . . . . .	7205	42.6	1.64	149	53.7	70.1	2.07	33.31	2.63	2.78	2.65	
Madhya Pradesh . . . . .	13209	40.8	3.01	1489	53.6	65.5	11.27	32.30	9.46	2.48	8.80	
Madras (T.N.) . . . . .	12667	37.6	2.89	1015	58.3	69.5	9.01	45.57	7.28	3.98	6.61	
Maharashtra . . . . .	16078	40.6	3.66	1403	50.4	81.2	8.73	47.90	8.80	2.26	7.40	
Karnataka (Mys.) . . . . .	9939	42.1	2.26	997	59.5	65.5	10.03	45.48	10.11	5.37	9.29	
Orissa . . . . .	6856	39.1	1.56	648	65.2	69.5	9.45	43.65	8.74	3.37	8.45	
Punjab . . . . .	8843	43.5	2.01	528	70.0	81.1	5.79	34.97	8.52	2.27	7.42	
Rajasthan . . . . .	8592	42.6	1.96	1105	55.2	64.1	12.86	47.55	12.47	3.43	11.53	
U.P. . . . .	29850	40.5	6.80	1930	69.8	77.9	6.47	39.12	7.11	3.00	6.69	
West Bengal . . . . .	14291	40.9	3.26	451	80.9	86.7	3.16	33.16	4.81	1.22	3.89	
A. & N. Island . . . . .	23	35.9	0.01	1	63.5	85.4	4.35	50.00	4.00	0.73	3.12	
Delhi . . . . .	1076	40.5	0.25	16	71.8	91.1	1.49	32.12	4.67	1.34	1.76	
Himachal Pradesh . . . . .	514	38.0	0.12	77	40.9	55.0	14.98	59.59	9.85	2.33	9.69	
Lakshadweep . . . . .	10	41.7	0.00	1	30.8	49.5	10.00	50.00	4.51	..	4.51	
Manipur . . . . .	336	43.1	0.08	18	30.0	51.2	5.36	45.77	5.15	2.17	5.03	

1	2	3	4	5	6	7	8	9	10	11	12
Tribura	.	.	.	.	.	.	.	.	.	.	.
Dadra & Nagar Haveli	.	.	.	.	.	.	.	.	.	.	.
Goa, Daman & Diu	.	.	.	.	.	.	.	.	.	.	.
Pondicherry	.	.	.	.	.	.	.	.	.	.	.
NEFA	.	.	.	.	.	.	.	.	.	.	.
Nagaland	.	.	.	.	.	.	.	.	.	.	.
Sikkim	.	.	.	.	.	.	.	.	.	.	.
INDIA	.	.	.	.	.	.	.	.	.	.	.
	489	42.9	0.11	21	62.2	73.6	4.29	38.27	5.13	1.85	4.81
	25	43.1	0.01	4	50.0	52.6	16.00	58.62	11.76	..	11.76
	233	37.2	0.05	1	52.0	60.1	3.43	41.15	3.13	3.16	3.10
	135	36.5	0.03	5	70.5	73.1	3.70	37.40	3.93	3.85	3.90
	7	17.9	0.00	*	66.0	94.6	3.73	66.67	9.98	..	9.98
	143	38.8	0.03	22	46.4	52.9	15.38	59.62	10.38	0.96	10.00
	64	39.5	0.01	16	46.8	54.8	25.00	62.20	14.71	3.37	14.42
	180983	41.0	41.03	14470	60.1	68.4	8.04	42.98	8.43	3.02	7.67

Source : Census of India, 1961.

\* : Negligible number.



**STATEMENT 5**  
*State-wise Distribution of working children below 15 (as on 1-4-71)*

State/U.T.	Total Children Pop. (000)	Percentage of children to total Population		Child labour Nos. (000)	% of male child labour to total children	% of male labour to total labour	Child labour % to total children	% of total workers in State to Total Pop.	Proportion of child labour to total workers		Total
		State	India						Rural	Urban	
1	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh . . . . .	17609	40.5	3.21	1627	64.6	71.2	9.24	41.4	9.85	4.16	9.04
Assam . . . . .	7010	46.9	1.28	239	89.5	90.9	3.41	28.3	6.00	2.65	5.64
Bihar . . . . .	23994	42.6	4.38	1059	79.3	86.0	4.41	31.0	7.39	2.52	6.06
Gujarat . . . . .	11494	43.1	2.10	518	71.9	64.2	4.51	31.4	7.52	2.04	6.17
Haryana . . . . .	4640	46.2	0.85	138	89.7	95.2	2.97	26.4	5.92	1.81	5.20
Himachal Pradesh . . . . .	1426	41.2	0.26	71	43.4	72.5	4.98	57.0	5.88	1.33	5.55
Jammu & Kashmir . . . . .	1980	42.9	0.36	70	88.6	93.9	3.53	29.8	5.59	2.91	5.09
Karnataka . . . . .	12435	42.4	2.27	809	71.7	80.0	6.51	34.7	8.96	4.67	7.95
Kerala . . . . .	8595	40.3	1.57	112	50.3	76.6	1.30	29.1	1.79	1.87	1.80
Madhya Pradesh . . . . .	18203	43.7	3.32	1112	67.3	74.4	6.11	36.7	8.02	2.02	7.27
Maharashtra . . . . .	20840	41.3	3.80	988	61.4	73.9	4.74	36.5	6.79	1.59	5.37
Manipur . . . . .	456	42.5	0.08	15	47.7	66.2	3.51	34.6	4.79	1.13	4.31
Meghalaya . . . . .	441	43.6	0.08	30	58.9	62.00	6.81	44.2	7.45	1.46	6.71
Nagaland . . . . .	196	37.9	0.04	14	43.2	58.5	7.16	50.8	5.74	0.63	5.34
Orissa . . . . .	9295	42.3	1.70	492	86.0	89.1	5.29	31.2	7.56	3.06	7.18
Punjab . . . . .	5594	41.3	1.02	233	98.6	98.1	4.17	28.9	7.02	2.38	5.96
Rajasthan . . . . .	11381	44.2	2.08	587	75.4	87.2	5.16	31.2	8.12	2.46	7.29
Tamil Nadu . . . . .	15562	37.8	2.84	713	68.6	79.1	4.58	35.8	3.96	2.74	4.84
Tripura . . . . .	688	44.2	0.18	17	87.1	91.5	2.47	27.8	4.28	1.69	3.93
U. P. . . . .	36965	41.8	6.75	1327	87.5	97.2	3.59	30.9	5.16	2.74	4.85
West Bengal . . . . .	19008	42.9	3.47	511	88.2	92.5	2.69	27.9	15.06	1.60	4.13
A. & N. Islands . . . . .	44	38.0	0.01	1	84.3	95.5	2.29	39.5	1.33	1.04	1.26

1	2	3	4	5	6	7	8	9	10	11	12	
Arunachal Pradesh	.	179	38.3	0.03	18	44.9	58.8	10.06	57.7	6.85	0.74	6.68
Chandigarh	.	89	34.8	0.02	1	89.0	92.6	1.12	33.3	1.69	1.22	1.27
Dadra & Nagar Haveli	.	34	45.5	0.01	3	50.5	58.5	8.89	47.2	8.57	..	8.57
Delhi	.	1571	38.6	0.29	17	87.9	93.0	1.08	30.2	2.13	1.32	1.38
Goa	.	327	38.1	0.06	7	57.9	75.8	2.14	31.7	2.92	2.18	2.58
Lakshadweep	.	13	40.8	0.01	0.03	39.2	74.2	0.75	26.1	1.17	..	1.17
Pondicherry	.	186	39.5	0.03	4	73.2	81.8	2.25	29.9	2.90	2.18	2.84
INDIA	.	230254	42.0	42.05	10734	73.5	82.6	4.66	32.9	6.82	2.42	5.95

Source : Census of India, 1971.



STATEMENT 6  
Estimates of Child Labour in India

Source	Age-group (years)	1	2	3	4	5	6	7	8	9	10	Remarks
Census, 1961	. . .											
	0-14			8.16	5.56	13.72	0.58	0.23	0.81	14.53		
	5-9*			0.80	0.52	1.32	0.03	0.01	0.04	1.36		
	10-14*			7.36	5.04	12.40	0.55	0.22	0.77	13.77		
NSS (1972-73)	5-14			8.16	5.56	13.72	0.58	0.23	0.81	14.53		
(27th round)	5-9			0.88	0.63	1.51	0.05	0.03	0.08	1.59		
(usual status)	10-14			7.78	5.75	13.53	0.80	0.41	1.21	14.74		
NSS (1977-78)	5-14			8.66	6.38	15.04	0.85	0.44	1.29	16.33		
1st March, 1978	5-9			0.88	0.63	1.51	0.05	0.05	0.10	1.62		
	10-14			7.96	5.21	13.77	0.94	0.53	1.47	14.62		
	5-14			8.84	5.84	14.68	0.99	0.58	1.57	16.25		
1st March, 1983	5-9			0.90	0.64	1.54	0.06	0.06	0.12	1.66		
	10-14			8.44	5.59	14.03	1.07	0.60	1.67	15.70		
	5-14			9.34	6.23	15.57	1.13	0.66	1.79	17.36		

\*Estimates for the quinquennial age-group are based on a special study vide Appendix V of the Report of the Expert Committee on Estimates of Unemployment, Planning Commission, 1970.

\*\*Projections for 1978 and 1983 are based on usual status rates of NSS 2nd round (1977-78).

SOURCE : Planning Commission.

STATEMENT 7

State-wise details of children employed in different occupations at two digit level on the basis of 1 percent Samples from 1971 Census Figures

Code No.	Activity	Figures in Hundreds															
		0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1400	1400	1400
		All India	Andhra	Assam	Bihar	Gujarat	Haryana	J & K	Kerala	M. P.	Maha-rashtra	Kar-nataka	Naga-land	Orissa	Punjab	Raja-sthan	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
	Cultivator . . . . .	37732	3602	1516	3026	2154	676	436	48	4512	2817	2235	129	1476	1046	3347	
	Agriculture . . . . .	43934	7907	359	5747	2125	359	22	266	4906	5196	3115	2	2182	793	866	
00	Agr. Production . . . . .	38	4	1	1	2	..	..	1	5	..	7	..	1	..	..	
01	Planation . . . . .	408	15	117	1	1	..	..	5	..	4	104	..	..	..	..	
02	Livestock Production . . . . .	7628	2277	8	429	136	132	56	61	716	454	943	..	398	125	900	
03	Agri. Services . . . . .	94	3	..	23	32	4	..	..	2	3	12	..	1	..	..	
04	Hunting, Trapping & Game Propagation . . . . .	4	..	..	..	1	..	..	..	1	1	..	..	..	..	..	
05	Forestry and logging . . . . .	92	17	..	1	3	1	..	..	16	9	7	..	..	..	..	
06	Fishing . . . . .	181	55	11	10	8	..	..	9	5	8	10	..	20	..	..	
10	Coal Mining . . . . .	22	..	..	11	..	..	..	..	1	2	..	..	..	..	..	
11	Crude Petroleum & Natural Gas . . . . .	20	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
12	Metal Ore Mining . . . . .	109	..	..	..	..	..	..	..	2	..	14	..	3	..	..	
19	Other Mining . . . . .	130	42	5	5	8	2	..	4	6	3	7	..	1	..	17	
20	Mfr. of Food . . . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
21	Products . . . . .	98	142+ = 16	2	11+5=16	11	1	1	3×33	7+8	10+6	8+3	..	6+5	5	5+2	
22	Mfr. of Beverages, Tobacco & Tobacco products . . . . .	041	274	2	49	2	..	..	61	156	94	177	..	22	..	1	
23	Cotton Textile Mfr. . . . .	433	131	9	21	13	3	1	17	7	11	27	..	27	5	7	
24	Mfr. Wool Silk & Synthetic Textiles . . . . .	57	4	..	1	..	..	2	..	2	..	12	..	..	..	..	
25	Mfr. of Jute, Hemp and Mesta Textiles . . . . .	18	3	..	..	..	..	1	..	..	..	..	..	..	..	..	
26	Manufacture of textile products (including wearing apparel other than footwear) . . . . .	457	94	9	20	11	4	10	79	17	19	22	..	16	2	11	

27	Manufacture of wood and wood products, furniture and fixtures . . .	484	106	7	43	14	..	1	34	47	25	42	..	30	4	10
28	Manufacture of paper and paper products and printing, publishing and allied industries . . .	11	..	16	..	..	..	..	2	..	1	1	..	..	..	..
29	Manufacture of leather, leather and fur products (except repair) . . .	75	6	..	3	5	4	..	..	13	4	5	..	..	3	16
30	Manufacture of rubber, plastic, petroleum and coal products . . .	8	..	..	..	1	..	..	..	..	3	1	..	..	..	..
31	Manufacture of chemicals and chemical products (except products of petroleum and coal) . . .	104	..	..	2	1	1	1	3	..	1	3	..	..	..	..
32	Manufacture of non metallic mineral products . . .	471	67	1	47	27	25	3	13	36	37	36	..	24	20	13
33	Basic metal and alloys industries . . .	9	2	..	2	..	..	..	..	1	1	1	..	1	..	..
34	Manufacture of metal products and parts, except machinery and transport equipment . . .	120	8	7	8	4	3	..	7	20	6	14	..	10	7	6
35	Manufacture of machinery, machine tools and parts except electrical machinery . . .	20	4	..	2	1	2	..	..	..	2	1	..	..	4	1
36	Mfr. of elect. machinery, apparatus, appliances and supplies and parts . . .	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..
37	Mfr. of transport equipment and parts . . .	4	..	..	..	..	..	..	1	..	..	..	..	..	3	..
38	Other mfr. industries . . .	211	17	1	6	17	3	..	5	9	40	7	..	7	..	23
39	Repairs . . .	78	8	3	12	2	3	..	1	2	3	7	..	..	8	3
40	Electricity . . .	6	..	..	..	..	..	1	..	..	..	1	..	2	..	1
41	Gas and Steam . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
42	Water Works & Supply . . .	2	1	..	..	..	..	..	..	..	1	..	..	..	..	..
50	Construction . . .	297	63	5	4	15	8	1	3	26	33	39	..	6	8	9
51	Activities allied to Construction . . .	19	2	..	2	..	..	..	..	1	..	6	..	1	4	1
60	Wholesale Trade in Food, Textiles, Live Animals, Beverage and Intoxicants . . .	17	2	..	4	..	1	..	..	..	..	1	..	..	3	1
61	Wholesale Trade in Fuel, Light, Chemicals, Perfumery, Ceramics, Glass . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
62	Wholesale Trade in wood, paper, other fabrics hide and skin and in-cr-dible oils	6	1	..	..	..	..	1	..	..	..	..	..	..	..	..
63	Wholesale trade in all types of machinery equipment including transport and electrical equipment	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
64	Wholesale trade in food and miscellaneous manufacturing	6	..	..	1	..	..	..	..	..	1	..	..	..	..	..
65	Retail trade in food and food articles, beverages, tobacco and intoxicants	391	92	8	39	16	5	3	11	12	23	16	..	14	12	9
66	Retail trade in textiles	18	18	2	3	..	..	..	1	..	..	1	..	..	..	3
67	Retail trade in fuel and other household utilities and durables	75	..	1	8	2	1	..	..	6	5	4	..	12	..	1
68	Retail trade in others	58	..	4	6	2	2	..	5	1	5	2	..	4	..	1
69	Restaurants and hotels	213	24	16	10	5	2	3	13	19	23	31	..	9	4	9
70	Land transport	80	10	1	10	2	1	5	13	4	1	5	..	2	1	2
71	Water transport	6	2	..	1	1	..	..	..	..	..	..	..	1	..	..
72	Air transport	2	..	..	..	..	..	..	..	..	..	..	..	1	..	..
73	Services incidental to transport	1	..	..	..	..	..	..	..	..	1	..	..	..	..	..
74	Storage and warehousing	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
75	Communications	6	..	..	1	..	..	..	..	..	..	..	..	2	..	..
80	Banking and similar type of financial institutions	2	1	..	..	..	..	..	..	..	..	..	..	1	..	..
81	Providents and insurance	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
82	Real estate and Business services	7	1	..	..	..	..	..	1	..	2	..	..	1	..	..
83	Legal Services	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
90	Public Admn. and defence services	44	3	1	6	1	1	1	1	2	3	..	..	..	..	6
91	Sanitary Services	24	..	..	..	..	1	..	..	5	..	..	..	1	1	8
92	Education scientific and research services	36	3	..	2	1	2	..	..	..	3	..	..	2	1	5
93	Medical & Health services	10	1	..	..	..	1	..	..	..	2	2	..	2	1	..
94	Community services	18	..	..	..	..	..	1	2	1	2	4	..	3	1	..

95	Recreational, Cultural services . . .	34	6	..	..	..	..	..	7	6	4	..	3	..	3
96	Personal services . . .	496	430	93	99	12	8	..	17	32	79	..	202	12	57
98	International and other extra territorial bodies services . . .	1	..	..	..	..	..	..	..	..	..	..	..	..	..
99	Services not elsewhere classified. . .	637	68	40	16	30	10	..	27	31	58	..	50	..	49
XO	Personal without any Affiliation to any particular industry (including fresh entrants to labour force) . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..
XI	Activities not Adequately Defined (other than that in XO) . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total workers . . .		97706	15391	2238	9699	4666	1264	550	936	10625	8930	7091	4573	2079	5381



Code No.	Activity	1500 Tamil Nadu	1609 U.P.	1700 W.B.	1800 A. & N. Island	1900 Chandi- garh	2000 D&N Haveli	2100 Delhi	2200 Goa, Daman & Diu	2300 H.P.	2400 IM&A Island	2500 Manipur	2600 Aruna- chal	2700 Pondi- cherry Pradesh	2800 Tripura	2900 Megha- laya
1	2	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
	Cultivator . . . . .	1565	6526	1393	3	1	24	5	13	553	..	160	166	3	90	212
	Agriculture . . . . .	3277	4316	2313	..	..	6	6	14	27	..	5	5	16	63	36
00	Agr. Production . . . . .	13	2	1	..	..	..	..	..	..	..	..	..	..	..	..
01	Plantation . . . . .	48	..	61	2	..	..	..	..	..	..	1	..	..	3	2
02	Livestock Production . . . . .	500	160	276	1	..	2	..	4	25	..	..	1	2	3	30(20)
03	Agr. Services . . . . .	7	4	2	..	..	..	..	..	3	..	..	..	..	..	..
04	Hunting, Trapping & Game Propagation.	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
05	Forestry . . . . .	5	4	..	..	..	..	..	..	1	..	..	2	..	..	..
06	Fishing . . . . .	23	4	12	1	..	..	..	1	..	..	..	..	4	..	..
10	Coal Mining . . . . .	..	..	6	..	..	..	..	..	..	..	..	..	..	..	..
11	Crude Petre . . . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
12	Metal Ore . . . . .	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..
19	Other Mining . . . . .	9	..	..	..	..	..	..	..	..	..	..	..	..	..	..
20-21	Mfr. of Food Products . . . . .	17+15	17×12	11×4	1	..	..	..	..	1	..	..	..	..	..	..
22	Mfr. Beverages, Tobacco . . . . .	77	51	73	..	..	..	..	1	1	..	..	..	..	..	..
23	Cotton Textile . . . . .	140	83	23	..	..	..	..	..	..	..	8	..	..	..	..
24	Mfr. of Wool Silk . . . . .	5	26	..	..	..	..	..	..	..	..	..	..	..	..	..
25	Mfr. of Jute, Hemp . . . . .	2	1	4	..	..	..	..	..	..	..	..	..	..	..	..
26	Mfr. of Textile Products . . . . .	56	65	21	..	..	..	..	..	1	..	2	..	..	..	..
27	Mfr. of Wood etc. . . . .	53	37	14	..	..	..	1	1	5	..	..	..	1	..	..
28	Mfr. of Paper . . . . .	3	..	2	..	..	..	..	..	..	..	..	..	..	..	..
29	Mfr. of Leather . . . . .	2	9	4	..	..	..	..	1	..	..	..	..	..	..	..
30	Mfr. of Rubber . . . . .	..	..	..	..	..	3	..	..	..	..	..	..	..	..	..
31	Manufacture of Chemicals . . . . .	92	..	..	..	..	..	..	..	..	..	..	..	..	1	..



[illegible]

1	2	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
82	Real Estates . . . . .	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..
83	Legal Services . . . . .	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..
90	Pub. Admn. & Defence . . . . .	1	10	2	..	1	..	..	..	1	..	1	..	..	1	..
91	Sanitary services . . . . .	..	8	..	..	..	..	..	..	..	..	..	..	..	..	..
92	Ed. Sc. . . . .	..	15	1	..	..	..	1	..	..	..	..	..	..	..	..
93	Medical & Helath . . . . .	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..
94	Community Services . . . . .	..	2	..	..	..	..	..	..	1	..	..	..	..	..	..
95	Recreation & Cul. . . . .	..	2	2	..	..	..	..	..	1	..	..	..	..	..	..
96	Personal services . . . . .	67	85	115	..	..	1	..	10	11	..	..	1	1	4	1
98	Int. & Others . . . . .	..	1	..	..	..	..	..	..	..	..	..	..	..	..	2
99	Services . . . . .	34	168	26	..	..	..	1	..	3	..	..	..	..	1	..
Xo	Personal without . . . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
XI	Activities not defined adequately . . . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total workers . . . . .		6502	11855	4497	8	2	33	28	51	640	..	176	180	29	170	278

## (b) URBAN

Code No.	Groups	0000 All India	0100 Andhra	0200 Assam	0300 Bihar	0400 Gujarat	0500 Haryana	0600 J & K	0700 Kerala	0800 M.P.	900 Maharashtra	1000 Karnataka	1100 Nagaland
1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Cultivators . . . . .	450	53	4	36	42	14	6	1	25	29	59	..
	Agricultural Labour . . . . .	1149	217	4	105	80	11	4	9	46	146	164	..
00	Agricultural Production . . . . .	5	..	..	..	..	..	2	1	1	1	..	..
01	Plantation . . . . .	24	..	1	..	..	..	..	..	1	..	4	..
02	Live Stock . . . . .	220	61	..	14	13	5	1	..	11	26	35	..
03	Agricultural Services i. . . . .	15	..	..	2	1	..	..	..	3	1	1	..
04	Hunting etc. . . . .	1	1	..	..	..	..	..	..	..	..	..	..
05	Forestry . . . . .	8	4	..	..	..	..	..	..	..	..	..	..
06	Fishing . . . . .	39	3	2	1	4	..	..	7	2	7	1	..
10	Coal Mining . . . . .	10	..	..	10	..	..	..	..	..	..	..	..
11	Crude Petroleum . . . . .	..	..	..	..	..	..	..	..	..	..	..	..
12	Metal Ore . . . . .	2	..	..	..	..	..	..	..	2	..	..	..
19	Other Mining . . . . .	28	9	..	1	11	..	..	..	2	2	5	..
20—21	Manufacture of Food . . . . .	130+45	8+9	2	8	7+6	4	1	4+1	2+6	13+2	3+7	..
22	Manufacture of Beverages . . . . .	338	78	..	12	5	..	..	12	1	34	50	..
23	Manufacture of Cotton Textiles . . . . .	443	47	..	5	27	..	1	3	52	36	40	..
24	Wood, silk etc. . . . .	68	81	..	..	3	..	6	..	9	1	25	..
25	Jute, Hemp . . . . .	15	..	1	..	..	..	..	..	..	..	..	..
26	Textile Products . . . . .	339	47	2	22	12	1	15	12	1	20	35	..
27	Wood & Wood Products . . . . .	166	36	3	2	5	..	..	2	9	12	31	..
28	Paper and Paper Products . . . . .	77	6	..	2	1	..	..	3	..	8	4	..
29	Leather . . . . .	47	4	..	1	2	1	1	..	8	1	2	..
30	Rubber . . . . .	19	..	..	1	3	..	..	..	2	4	..	..
31	Chemicals . . . . .	85	4	..	..	1	..	..	1	1	2	17	..







Code No.	Groups	1200 Orissa	1300 Punjab	1400 Raj-asthan	1500 T.N.	1600 U.P.	1700 W.B.	1800 A.N. Island	1900 Chandigarh	2000 D & N Haveli	2100 Delhi	2200 Goa D.D.	2300 H.P.	2400 L.M. Islands	2500 Mani-pur	2600 Aru. Pra.	2700 Pondi-cherry	2800 Tri-pura	2900 Meghalaya
1	2	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
	Cultivator	16	22	58	23	52	8	..	..	..	1	1	..	..	..	..	..	..	..
	Agriculture labour	17	30	18	171	93	26	..	..	..	4	..	1	..	..	..	1	..	2
00	Agricultural Production	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
01	Plantation	..	..	..	17	1	..	..	..	..	..	..	..	..	..	..	..	..	..
02	Live Stock	3	10	9	16	11	..	5	..	..	..	..	..	..	..	..	..	..	..
03	Agricultural Services	..	1	..	3	2	..	..	..	..	..	..	..	..	..	..	..	..	..
04	Hunting etc.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
05	Forestry	1	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
06	Fishing	3	..	..	6	1	..	..	..	..	..	..	..	..	..	..	..	..	..
10	Coal Mining	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
11	Crude Petroleum	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
12	Metal Ore	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
19	Other Mining	1	..	1	5	..	..	..	..	..	1	..	..	..	..	..	..	..	..
20-21	Manufacture of Food Products	..	8	8	17+13	23+3	15+2	..	..	..	1	..	..	..	..	..	..	..	..
22	Manufacture of Beverage	3	..	5	48	30	9	..	..	..	..	..	..	..	1	..	..	..	..
23	Manufacture of Cotton Textiles	1	5	19	148	90	8	..	..	..	1	..	..	..	1	..	..	..	..
24	Wood, Silk etc.	..	1	1	26	3	..	..	..	..	..	..	..	..	..	..	..	..	..
25	Jute, Hemp.	..	2	..	5	2	5	..	..	..	..	..	..	..	..	..	1	..	..
26	Textile Products	..	13	9	49	46	36	..	..	..	10	..	..	..	..	..	..	..	..
27	Wood, Wood Products	2	1	5	18	26	10	..	..	..	5	..	..	..	..	..	..	..	..
28	Paper and Paper Products	1	2	2	21	8	8	1	1	1	10	..	1	..	..	..	..	..	..
29	Leather	..	2	9	5	9	2	1	..	..	5	..	..	..	..	..	..	..	..
30	Rubber	..	1	..	3	2	2	..	..	..	2	..	..	..	..	..	..	..	..
31	Chemicals	..	..	1	56	2	..	..	..	..	..	..	..	..	..	..	..	..	..
32	Non-metallic	3	4	6	12	18	18	..	..	..	5	..	..	..	..	..	..	..	..

13--31 M. of Lab./ND/81

1	2	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
81 P.F. & Insurance	.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
82 Real Estates	.	..	1	..	6	3	2	..	..	..	..	..	..	..	..	..	..	..	..
83 Legal Services	.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
90 Public Administration	..	..	..	..	1	12	6	..	..	..	3	..	..	..	..	..	..	..	..
91 Sanitary Services	.	..	..	..	..	4	..	1	..	..	2	..	..	..	..	..	..	..	..
92 Ed. Sc.	.	..	..	..	3	4	1	..	..	..	3	..	1	..	..	..	..	..	..
93 Med. & Health	.	..	..	..	2	3	..	..	..	..	..	..	..	..	..	..	..	..	..
94 Com. Services	.	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..
95 Rec. Services	.	..	..	..	3	8	1	..	..	..	..	..	..	..	..	..	..	..	..
96 Personal Services	.	42	33	..	76	75	172	2	..	..	20	..	4	..	..	1	2	..	5
98 Int. Services	.	..	..	..	..	..	..	..	..	..	1	3	..	..	..	..	..	5	..
99 Services Not E.I.C.	.	21	..	..	26	97	12	1	..	..	17	..	1	..	..	..	..	..	..
X0 Personal	.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
X1 Act not Ade. Def.	.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
TOTAL	.	156	222	..	1073	902	494	8	..	..	162	9	12	..	3	1	2	8	9

## STATEMENT 8

*Employment of children in Factories*

Year	Average Daily No. of children's employment	Total average daily employ- ment in factories	Percentage of children to total employment
1	2	3	4
1892 . . . . .	18,888	3,16,816	5.96
1948 . . . . .	11,444	21,76,724	0.48
1950 . . . . .	7,764	25,04,516	0.31
1955 . . . . .	4,975	26,90,403	0.18
1960 . . . . .	3,220	33,67,803	0.10
1965 . . . . .	2,264	41,17,692	0.05
1970 . . . . .	2,427	42,63,988	0.06
1971 . . . . .	3,702	42,08,343	0.09
1972 . . . . .	6,094	44,93,730	0.14
1973 . . . . .	4,457	45,70,451	0.10
1974 . . . . .	4,310	46,33,200	0.09
1975(P) . . . . .	4,310	47,64,532	0.09
1976(P) . . . . .	3,592	49,78,414	0.07

SOURCE : — Labour Bureau, Simla.



**STATEMENT 9**  
*Total employment and children employment according to factories submitting returns Registered under the Factories Act, 1948 during the year 1974 to 1976*

(By States)

State/Union Territory	1974(P)				1975(P)				1976(P)			
	Total Employment	Children		Total Employment	Children		Total Employment	Children				
		Boys	Girls		Boys	Girls		Boys	Girls			
1	2	3	4	5	6	7	8	9	10			
Andhra Pradesh	2,91,478	..	..	2,98,777	..	..	3,24,546	..	..			
Assam	67,309	669	251	69,218	571	322	69,975	530	317			
Bihar	3,17,780	220	128	3,33,658	78	6	3,36,869	62	16			
Gujarat	4,45,171	2	6	4,55,373	5	5	4,72,851	..	1			
Haryana	91,987	..	..	91,587	..	..	1,03,175	..	..			
Himachal Pradesh	9,232	..	..	7,610	..	..	5,817	2	..			
Jammu & Kashmir	7,784	81	..	20,781	85	..	10,115	88	..			
Karnataka	2,47,843	7	..	2,55,546	17	..	2,55,546(E)	17(E)	..			
Kerala	1,27,622	10	11	1,79,141	35	21	2,28,357	36	28			
Madhya Pradesh	1,36,631	..	..	1,46,164	..	..	1,53,815	..	..			
Maharashtra	10,04,837	78	26	9,77,540	58	13	10,04,334	43	33			
Manipur	690	..	..	296	..	..	390	..	..			
Meghalaya	1,520	..	..	1,856	..	..	1,749	..	..			
Orissa	55,875	..	..	56,581	..	..	58,760	..	..			
Punjab	92,106	46	18	99,932	21	12	97,932	..	..			
Rajasthan	65,777	15	6	74,513	4	2	77,021	26	20			
Tamil Nadu	4,82,680	849	2,337	4,55,675	484	2,422	4,98,582	747	1,508			
Tripura	2,084	4	7	1,931	50	10	1,566	20	..			
Uttar Pradesh	3,74,762	34	..	4,06,996	51	..	4,17,566	55	..			
West Bengal	6,90,151	2	1	7,24,714	18	20	7,28,487	19	24			

Andaman and Nicobar Islands . . .	3,276	..	..	3,370	..	..	3,420	..	..
Chandigarh . . .	7,663	..	..	6,772	..	..	7,962	..	..
Delhi . . .	78,957	..	..	86,383	..	..	98,012	..	..
Goa, Daman & Diu . . .	7,701	2	..	7,925	..	..	8,197	..	..
Pondicherry . . .	12,284	..	..	12,193	..	..	12,587	..	..
<b>TOTAL . . .</b>	<b>46,33,200</b>	<b>1,519</b>	<b>2,791</b>	<b>47,64,532</b>	<b>1,477</b>	<b>2,833</b>	<b>49,77,631</b>	<b>1,645</b>	<b>1,947</b>

P = Provisional.

.. = Nil.

(E) = Estimated by repeating the figures of previous year due to non-receipt of the Annual Returns.

Source : Labour Bureau,  
Simla.

## STATEMENT 10

*Employment of Children in Plantations during 1974-75*

State/Union Territory	1974		1975	
	Total Employment	Employment of Children	Total Employment	Employment of Children
1	2	3	4	5
Assam . . . . .	5,47,014	1,06,586	4,78,686	40,920
Bihar . . . . .	60	..	156	..
Himachal Pradesh . . . . .	491	58	443	..
Karnataka . . . . .	30,745	918	53,532	648
Kerala . . . . .	1,34,851	..	1,23,456	..
Tamil Nadu . . . . .	64,904	..	70,546	..
Tripura . . . . .	5,028	166	5,326	473
Uttar Pradesh . . . . .	753	20	599	30
West Bengal . . . . .	1,88,595	9,640	1,97,215	10,327
A. and N. Islands . . . . .	523	..	556	..
TOTAL . . . . .	9,72,944	1,17,388	9,30,520	52,398



## STATEMENT 11

*Average daily employment of Children by sex and industry during 1975-76 (Provisional)*

Name of Industry	Average daily number				Total	
	Boys		Girls			
	1975	1976	1975	1976	1975	1976
1. Agricultural Service . . . . .	..	2	..	..	..	2
2. Manufacture of Food Products . . . . .	520	615	2,450	1,650	2,970	2,265
3. Manufacture of Beverages, Tobacco and Tobacco Products. . . . .	21	..	14	..	35	..
4. Manufacture of Cotton Textiles . . . . .	221	68	..	20	221	88
5. Manufacture of Wool, Silk and Synthetic Fibres Textiles . . . . .	16	20	..	..	16	20
6. Manufacture of Textile Products (including Wearing Apparel other than Footwear) . . . . .	355	321	4	3	359	324
7. Manufacture of Wood and Wood Products, Furniture and Fixtures . . . . .	25	42	..	1	25	43
8. Manufacture of Paper and Paper Products and Printing, Publishing and Allied Industries . . . . .	11	12	2	3	13	15
9. Manufacture of Rubber, Plastic, Petroleum and Coal Products . . . . .	19	20	12	..	31	20
10. Manufacture of Chemicals and Chemical Products (except Products of Petroleum and Coal) . . . . .	113	390	308	233	421	623
11. Manufacture of Non-Metallic Mineral Products . . . . .	37	32	20	31	57	63
12. Basic Metal and Alloys Industries . . . . .	5	8	..	..	5	8
13. Manufacture of Metal Products and Parts, except machinery and Transport Equipment . . . . .	50	43	..	..	50	43
14. Manufacture of Machinery, Machine Tools and Parts, except Electrical Machinery . . . . .	50	53	6	6	56	59
15. Other Manufacturing Industries . . . . .	24	7	17	..	41	7
16. Repair Services. . . . .	10	2	..	..	10	2
17. Electricity . . . . .	..	10	..	..	..	10
TOTAL . . . . .	1,477	1,645	2,833	1,947	4,310	3,592

(P—For provisional).



## STATEMENT 12

*Rates of minimum wages fixed/revised in respect of Children in various employments under the Minimum Wages Act, 1948, by different State Authorities including Union Territories*

State	Years of latest fixation/revision	Name of the employment	Wages of Adult	Minimum Wages of Children
1	2	3	4	5
1. Andhra Pradesh	1973	(i) Forestry & Timbering	3.50 p.d.	75% of the adult wages.
	1975	(i) Oil Mills	167.60 p.m.	Do.
		(ii) Rice, Floor and Dal Mills.	152.90 p.m.	Do.
		(iii) Hotels, Restaurants or Eating Houses	120.00— 136.00 p.m.	Do.
		(iv) Toddy Tapping	126.00— 168.00 p.m.	Do.
	1976	(i) Woolen Carpet making and Shawl Weaving Establishments	4.20 p.d. 126.10 p.m.	Do.
		(ii) Automobile Engineering Workshops	6.00 p.d. 156.00 p.m.	Do.
		(iii) Public Motor Transport	163.00 p.m.	Do.
	1977	(i) Salt Pan Industry	4.50 p.d.	Do.
		(ii) Wooden Furniture Manufacturing	133.75— 150.50 p.m.	Do.
		(iii) Metal Foundries and General Engineering Workshops	5.70 p.d.	Do.
		(iv) Stone Breaking and Stone Crushing Establishments	5.06 p.d. 151.80 p.m.	Do.
		(v) Agriculture including Horticulture	3.00— 5.00 p.d.	50% of the adult wages.
	1978	(i) Cotton Ginnig and Pressing	4.70 p.d.	75% of the adult wages.
		(ii) Khandsari Industry	4.50 p.d.	Dg.
		(iii) Beedi Making Industry	4.00— 4.85 p.d. (for 1000 bidies)	Do.
		(iv) Consumer Co-operative Societies and Co-operative Banks.	130.00 p.m.	Do.
		(v) Tiles and Potteries	5.00— 5.50 p.d.	75% of the adult wages.
		(vi) Motion Picture Industry	132.00—	Do.
	1979	(i) Printing Presses	118.00— 151.00 p.m.	Do.
2. Bihar (Palamau District)	1975	(i) Agriculture	3 kg. of paddy and 500 gms "Lukma"	2 kg. and 250 gm of paddy and 500 gms. of 2 Lukma or 1 kg. 500 gms. of rice and 500 gms. of "Lukma".

1	2	3	4	5
3. Gujarat	1972	(i) Cement Prestressed Products Industry	4.25— 4.50 p.d.	75% of the adult wages.
		(ii) Oil Mills	110.00 p.m.	Do.
		(iii) Agriculture	5.50 p.d.	Same as for an adult.
		(iv) Hotels and Restaurants	3.70— 4.50 p.d.	80% of the adult wages.
	1973	(i) Maintenance of Buildings	4.00— 4.50 p.d.	75% of the adult wages.
	1975	(i) Pottery Manufactory	6.00 p.d.	50% of the adult wages plus special allowance.
		(ii) Local Authorities	130.00— 160.00 p.m.	50% of the adult wages.
		(iii) Tobacco (including Beedi)	4.50— 5.00 p.m.	75% of the adult wages.
		(iv) Powerloom Industry	6.73— 7.12 p.d.	60% of the adult wages.
		(v) Stone Breaking and Stone Crushing	3.60— 5.25 p.d.	50% of the adult wages.
		(vi) Bone Crushing Industry	4.00— 4.50 p.d.	75% of the adult wages.
		(vii) Rice, Flour and Dal Mills	5.00— 6.00 p.d.	50% of the adult wages.
		(viii) Press Lithography Photogravure etc.	5.00— 5.50 p.d.	60% of the adult wages plus special allowance.
		(ix) Jari Industry	100.00— 130.00 p.m.	50% of the adult wages.
	1976	(i) Cotton Ginning or Cotton Pressing	4.00— 5.00 p.d.	Do.
		(ii) Pharmaceutical Industries	6.00— 7.00 p.d.	Do.
		(iii) Construction or Maintenance of road.	5.50 p.d.	75% of the adult wages.
4. Himachal Pradesh	1976	(i) Tea Plantations	3.50 p.d.	Do.
5. Kerala	1971	(i) Rice, Flour and Dal Mills.	2.66 p.d.	5/8 of the adult wages.
		(ii) Plantations : Tea	2.61 p.d.	1.32 p.d.
		Rubber	3.37 p.d.	1.70 p.d.
		Coffee	2.82 p.d.	60% of the adult wages.
6. Maharashtra	1970	(i) Canteens and Clubs	75.00— 105.00 p.m.	2/3 of the adult wages.
		(ii) Oil-Mills	78.00— 104.00 p.m.	60% of the adult wages.
	1973	(i) Wooden Photo or Picture Frames making	105.00— 150.00 p.m.	Do.
		(ii) Wooden Furniture	120.00 — 165.00 p.m.	Do.

1	2	3	4	5
6. Maharashtra—contd.	1975	(i) Tanneries and Leather Manufactory . . . . .	104·00— 182·00 p.m.	60% of the adult wages.
		(ii) Tobacco (including Bidi) . . . . .	4·50— 5·75 p.d.	50% of the adult wages.
		(iii) Paper and Paper Board Manufactory . . . . .	135·00— 16·00 p.m.	60% of the adult wages.
	1976	(i) Cinema Industry . . . . .	105·00— 220·00 p.m.	2/3rd of the adult wages.
		(ii) Printing, Lithography, Photogravure Industry. . . . .	75·00— 95·00 p.m.	60% of the adult wages.
		(iii) Hotels, Restaurants and Eating Houses . . . . .	90·00— 117·00 p.m.	2/3rd of the adult wages.
		(iv) Cine Studies and Cine Laboratories . . . . .	180·00— 220·00 p.m.	60% of the adult wages.
		(v) Premises wherein buffalos or cows or both are kept for milking, cleaning or feeding. . . . .	144·00— 216·00 p.m.	Do.
		(vi) Any process of transforming plastic in- to various solid shapes . . . . .	6·60— 7·00 p.d. or 171·60— 182·00 p.m.	50% of the adult wages.
	1977	(i) Clothing Dyeing and clothing Printing . . . . .	200·00— 230·00 p.m.	60% of the adult wages.
		(ii) Manufacturing of Containers, Boxes from paper or cardboard or straw board. . . . .	115·00— 150·00 p.m.	Do.
		(iii) Road Construction and Building Ope- rations . . . . .	4·00— 7·00 p.d.	2/3rd of the adult wages.
7. Tamil Nadu	1969	(i) Cotton Ginning and Pressing . . . . .	1·68 p.d.	50% of the adult wages.
	1972	(i) Coir Manufactory . . . . .	2·00 p.d.	Do.
	1976	(i) Rice, Flour and Dal Mills. . . . .	5·00 p.d.	Do.
		(ii) Plantations : Tea . . . . .	4·55 p.d.	Basic DA 2·35 0·35
		Coffee . . . . .	5·20 p.d.	2·03 0·35
	1977	(i) Bricks and Tiles Manufactory . . . . .	3·00— 4·25 p.d.	50% of the adult wages.
		(ii) Match and Fire Works Manufactory . . . . .	2·65 p.d.	Do.
8. Tripura	1975	(i) Agriculture . . . . .	4·00 p.d.	1/3rd of the adult wages.
	1978	(i) Plantations . . . . .	4·00 p.d.	50% of the adult wages.
9. Uttar Pradesh	1972	(i) Lac Manufactory . . . . .	3·00 p.d. or 78·00 p.m.	2/3rd of the adult wages.
		(ii) Public Motor Transport . . . . .	3·00— 3·85 p.d. or 78·00— 100·00 p.m.	Do.
		(iii) Foundries Industry . . . . .	Do.	Do.
		(iv) Metal Works . . . . .	Do.	Do.

1	2	3	4	5
		(v) Tailoring Industries . . . . .		
		(vi) Powerloom Industry . . . . .		
		(vii) Laundry and Washing Industry . . . . .	3.00— 2/3rd of the adult wages.	
		(viii) Jari Industry . . . . .	3.85 p.d. or 78.00—	
		(ix) Chicken Industry . . . . .	100.00 p.m.	
		(x) Khandsari Industry . . . . .		
1974		(i) Glass and Glass Bangle making Establishments . . . . .	4.49 p.d. 168.00 p.m.	Do.
		(ii) Glass and Glass Products including miniature bulbs . . . . .		
		(iii) Rice, Flour and Dal Mills. . . . .	6.24— 6.64 p.d.	Do.
		(iv) Oil Mills . . . . .	6.64— 6.86 p.d. or 172.70— 178.42 p.m.	Do.
1975		(i) Cinema Industry . . . . .	145.00— 150.00 p.m.	50% of the adult wages.
		(ii) Agriculture . . . . .	4.60— 6.50 p.d.	2/3rd of the adult wages.
1977		(i) Bakeries and Biscuits Industry . . . . .	5.58 p.d. or 145.00 p.m.	Do.
		(ii) Hotels and Restaurants . . . . .	135.00 p.m. to 145.00 p.d.	Do.
		(iii) Bricks Manufactory . . . . .	5.58 p.d. or 145.00 p.m.	50% of the adult wages.
		(iv) Cold Storages . . . . .	5.58 p.d. or 145.00 p.m.	Do.
		(v) Ice Candy/Ice Cream Manufactory . . . . .	5.58 p.d.	50% of the adult wages.
		(vi) Match Industry . . . . .	or 145.00 p.m.	
		(vii) Plantations . . . . .	5.00 p.d. or 123.00 p.m.	2/3rd of the adult wages.
		(viii) Hosiery . . . . .	5.58 p.d. or 145.00 p.m.	50% of the adult wages.
10. West Bengal	1975	(i) Agriculture . . . . .	107.26 p.m.	58.35 p.m.
11. Delhi	1975	(i) Rice, Dal and Flour Mills . . . . .	6.50 p.d. 169.00 p.m.	50% of the adult wages.
		(ii) Chemical Industry . . . . .	6.75 p.d. or 175.00 p.m.	Do.
		(iii) Clubs . . . . .	Do.	Do.
12. Karnataka	1967	(i) Textile Industry . . . . .	2.00— 2.25 p.m.	50% of the adult wages.
	1974	(i) Construction or maintenance of Roads or Building Operations . . . . .	3.00— 4.75 p.d.	Do.
		(ii) Agriculture . . . . .	3.25— 5.60 p.d.	

1	2	3	4
12. Karnataka—contd.			With food & clothing      without food and clothing
	Class A & D . . . . .		37.50 p.m.      74.85 p.m.
	Class B . . . . .		24.30 p.m.      37.50 p.m.
	Class C . . . . .		12.50 p.m.      37.50 p.m.
1975	(i) Stone Breaking and Stone Crushing . . . . .	5.50 p.d.	50% of the adult wages.
1978	(i) Hotels and Restaurants . . . . .	120.00— 155.00 p.m.	30.00      27.00 27.00      and 22.50 in zone A, B, C & respective- ly with free food.

p.d.=per day

p.m.=per month.

SOURCE : —Annual/Quarterly reports under the Minimum Wages Act, 1948.

